

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 14, 2000
AT 10:30 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mathis at 10:42 a.m. The meeting was recessed by Deputy Mayor Mathis at 11:55 p.m. to convene the Special Joint meeting with the Redevelopment Agency and to convene as the Redevelopment Agency and Housing Authority thereafter. The regular meeting was reconvened by Deputy Mayor Mathis at 11:59 p.m. with Mayor Golding and Council Members Kehoe and Vargas not present. Deputy Mayor Mathis recessed the regular meeting at 12:00 p.m. to reconvene at 2:00 p.m.

The regular meeting was reconvened by Deputy Mayor Mathis at 2:10 p.m. with Mayor Golding and Council Members Kehoe and Vargas not present. The meeting was recessed by Deputy Mayor Mathis at 3:11 p.m. to reconvene the Redevelopment Agency. Deputy Mayor Mathis reconvened the regular meeting at 3:22 p.m. with Mayor Golding and Council Members Kehoe and Vargas not present. The meeting was recessed by Deputy Mayor Mathis at 6:27 p.m. to reconvene the Special Joint Council Meeting with the Redevelopment Agency and Housing Authority thereafter. The regular meeting was reconvened by Deputy Mayor Mathis at 6:44 p.m. with Mayor Golding and Council Members Kehoe and Vargas not present. Deputy Mayor Mathis adjourned the meeting at 7:03 p.m. into Closed Session in the twelfth floor conference room to discuss existing litigations matters and Items 213, S403, and S404 on Wednesday, November 15, 2000 at 10:00 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Blair-present

- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-Excused by R-294317; no reason given.

Clerk-Abdelnour (rl/ew)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Blair-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

ITEM-10: INVOCATION

Invocation was given by Pastor Larry Lamb of Skyline Wesleyan Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

10/10/2000 Special Workshop
10/16/2000
10/17/2000

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A037-044.)

MOTION BY WEAR TO APPROVE. Second by Stevens. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present

ITEM-31: America Recycles Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-745) ADOPTED AS RESOLUTION R-294085

Recognizing the contributions of America Recycles Day, and proclaiming
November 15, 2000 to be "America Recycles Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-B083.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-32: PQ Lightning Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-687) ADOPTED AS RESOLUTION R-294086

Recognizing and commending the PQ Lightning for their outstanding achievements and commitment to excellence both on and off the field;

Proclaiming November 13, 2000 to be "PQ Lightning Day" in the City of San Diego in honor of being named Amateur Softball Association West National Champions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-B083.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-33: Rufus Birchard Dewitt Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-695) ADOPTED AS RESOLUTION R-294087

Commending Rufus Birchard Dewitt for his service and dedication to San Diego;

Proclaiming November 14, 2000 to be "Rufus Birchard Dewitt Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-B083.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-34: Martin Schmidt Day.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-738) ADOPTED AS RESOLUTION R-294088

Commending Martin Schmidt for his dedication to the Citizens of San Diego and
the Clairemont Mesa community;

Proclaiming November 14, 2000 to be "Martin Schmidt Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-B083.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-35: City of San Diego Investment Policy Pooled Investment Funds.

(See City Treasurer's Investment Policy - Pooled Investment Funds dated October
2000.)

ACCEPTED

SUPPORTING INFORMATION:

Accept the following Policy for information purposes. No action is required.

Section 53646 of the California Government Code requires the Treasurer to annually render to the City Council and the City Manager's Investment Advisory Committee a statement of investment policy or any changes to that investment policy to be considered at a public meeting.

The Investment Policy has been updated to reflect changes in the California Government Code as a result of the last legislative session.

The City Manager's Investment Advisory Committee has reviewed the investment policy and recommends that the City Council accept the policy for information purposes. No action is required.

Prior to enactment of Section 53646 last year, the City Treasurer provided the Mayor and City Council with a copy of the City of San Diego Investment Policy for the Pooled Investment Fund on an annual basis as an information item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A045-B083.)

MOTION BY WEAR TO ACCEPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-36: Smoke-Free San Diego Week.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-561) ADOPTED AS RESOLUTION R-294089

Proclaiming November 13 through 18, 2000 as "Smoke-Free San Diego Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-B083.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Mary Cooks-Jessop commented regarding principles of healthful living.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A450-506.)

PUBLIC COMMENT-2:

Ethel Murphy commented regarding DeAnza Community and the M.O.U. with
DeAnza Corp.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A507-538.)

PUBLIC COMMENT-3:

Leo Long commented regarding a Socrates story.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A539-581.)

PUBLIC COMMENT-4:

Dr. Art Salzberg commented regarding sweeps in the Homeless Community he feels are illegal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A582-B014.)

PUBLIC COMMENT-5: **REFERRED TO CITY MANAGER**

Mary Ann Pollock commented regarding the need for more homeless shelters for displaced families.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B015-049.)

PUBLIC COMMENT-6: **REFERRED TO CITY MANAGER**

Marc Lindshield commented regarding road safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B050-076.)

COUNCIL COMMENT:

COUNCIL COMMENT 1:

Council member McCarty commented regarding approval of an HUD Loan for a library in her District.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B077-082.)

* ITEM-50: Presidio View.

(RZ 99-0348. Mission Valley Community Plan Area. District-6.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinances in subitems A and B which were introduced on 10/24/2000.
(Council voted 7-0. Councilmember Wear and Mayor Golding not present.):

Subitem-A: (O-2001-69) ADOPTED AS ORDINANCE O-18877 (NEW SERIES)

Rezoning 7.15 acres located on the north side of Hotel Circle North between Hotel Circle Place and Fashion Valley Road, within the Boundary of the Mission Valley Community Plan area, from the MV-CO-CV zone into the MVR-4 zone.

Subitem-B: (O-2001-71) ADOPTED AS ORDINANCE O-18878 (NEW SERIES)

Amending Chapter 10, Article 3, Division 21, by amending Sections 103.2102 and 103.2108 relating to the Mission Valley Planned District.

FILE LOCATION: Subitems A,B: LAND-Progress Guide and General Plan/Mission Valley Community Plan Presidio view (09)

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-51: Proposed Ordinance Restricting Outdoor Advertising of Alcohol.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2000. (Council voted 9-0):

(O-2001-91) ADOPTED AS ORDINANCE 18879 (NEW SERIES)

Amending Chapter V, Article 8, of the San Diego Municipal Code by adding Division 4, Sections 58.0401, 58.0402, 58.0403, and 58.0404 all pertaining to Restricting the Advertising of Alcohol Beverages to Youth.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-52: Proposed Code Changes to Bring Industrial Pretreatment Program into Compliance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/23/2000. (Council voted 7-0. Councilmembers Wear and Kehoe not present.):

(O-2001-55) ADOPTED AS ORDINANCE O-18880 (NEW SERIES)

Amending Chapter VI, Article 4 of the San Diego Municipal Code by amending Sections 64.0200, 64.0301, 64.0303, 64.0500, 64.0501, 64.0502, 64.0509, 64.0510, 64.0511, and 64.0512; and adding Section 64.0520; all relating to the Industrial Sewage Pretreatment Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-53: City Heights Redevelopment Plan Amendment.

(City Heights, Normal Heights and Kensington-Talmadge Community Areas. Districts-3, 4 and 7.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/24/2000. (Council voted 7-0. Councilmember Wear and Mayor Golding not present.):

(O-2001-58) ADOPTED AS ORDINANCE O-18881 (NEW SERIES)

Approving and adopting the Third Amendment to the Redevelopment Plan for the City Heights Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

- * ITEM-54: Third Amendment to the Central Imperial Redevelopment Plan.

(District-4.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/24/2000. (Council voted 8-0. Councilmember Wear not present.):

(O-2001-75) ADOPTED AS ORDINANCE O-18882 (NEW SERIES)

Approving and adopting the Third Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

- * ITEM-55: Competitive Cable Television Franchise.

Approving a Non-Exclusive Competitive Cable Television Franchise Agreement between the City of San Diego and RCN Telecom Services, Inc. to construct, maintain, and operate a cable system in the public rights-of-way under the terms and conditions set forth in the franchise agreement.

NOTE: 6 votes required.

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/24/2000. (Council voted 8-0. Councilmember Wear not present.):

(O-2001-72) RETURNED TO CITY MANAGER

Approving a Non-Exclusive Competitive Cable Television Franchise Agreement between the City of San Diego and RCN Telecom Services, Inc.

FILE LOCATION: Fran-RCN Telecom Services, Inc.

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-56: Mission Bay Park Boundary Survey.

(Mission Bay Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2000. (Council voted 9-0):

(O-2001-68) ADOPTED AS ORDINANCE O-18884 (NEW SERIES)

Setting aside and dedicating certain parcels of City-owned land, in the City of San Diego, State of California, for a public park, and naming and including them as part of "Mission Bay Park."

FILE LOCATION: DEED F-7895

COUNCIL ACTION: (Tape location: J571-K093.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

* ITEM-57: Office Space Lease Amendment for the Office of the City Attorney.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-74) INTRODUCED; TO BE ADOPTED ON MONDAY,
DECEMBER 4, 2000

Introduction of an Ordinance authorizing the execution of an Eighth Amendment to Lease with Civic Center Associates for additional office space of approximately 822 square feet on the 15th Floor of the Civic Center Plaza Building, for the Office of the City Attorney, commencing November 1, 2000, and terminating July 23, 2014, at an initial monthly rent of \$1,109.70;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$8,877.60 from the City Attorney's Fund 100, Department 45, for rent from the Fiscal Year 2001 budget.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The City Attorney's office, currently located in the Civic Center Plaza building, has expanded beyond current capacity. Recently, approximately 822 square feet became available to lease on the 15th floor of the Civic Center Plaza. The City Attorney's office is proposing to lease the space under the following basic terms:

TERM - Approximately 15 years. Occupancy of space will be effective November 1, 2000 and will terminate July 23, 2014, the expiration date of the Master Lease.

RENT - \$1.35 per square foot or \$1,109.70 per month. This rental rate is below market value as compared to similar space in the downtown area.

USE - General office usage for the City Attorney's office.

SIZE - 822 square feet.

TENANT IMPROVEMENT - Landlord will install the Tenant Improvements at Landlord's sole cost and expense. The cost of the improvements is estimated at \$18,470.50.

SPACE PLANNING EXPENSES - Landlord will provide Space Planning Services at Landlord's sole cost and expense. The cost is estimated at \$383.35.

FISCAL IMPACT:

\$8,777.60 will be paid from the City Attorney's Fund 100, Department 045 for FY 2001.

Loveland/Griffith/DLM

Aud. Cert. 2100480.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-58: Lease Agreement - Tierrasanta Community Service Center.

(Tierrasanta Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-83) INTRODUCED; TO BE ADOPTED ON MONDAY,
DECEMBER 4, 2000

Introduction of an Ordinance authorizing a lease agreement with GMS Realty, LLC., for general office usage for the Tierrasanta Community Service Center and Police Storefront;

Authorizing the expenditure of an amount not to exceed \$29,411.25 from the Community Service Center Fund 10170 for rent from the Fiscal Year 2001 budget.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The Tierrasanta Community Service Center has been leasing space at the Tierrasanta Town Center, 10615 E. Tierrasanta Blvd. since May 1, 2000 on a temporary month-to-month agreement until the Landlord secured a leasing management company for the Center. Recently, the Landlord has made arrangements for the Community Service Center to enter into a long-term lease under the following basic terms:

TERM - Three (3) years. Commencing August 1, 2000, terminating July 31, 2003.

RENT - \$1.15 per square foot or \$2,673.75 per month. This rental rate is below market value as compared to similar Centers in the area.

USE - General office usage for a Community Service Center and Police Storefront.

SIZE - 2,325 square feet.

OPTION TO EXTEND - Two three (3)-year options to extend the lease at market value.

TENANT IMPROVEMENTS - Landlord will up-grade the restroom to current ADA compliance at the Landlord's sole cost and expense. The cost is estimated at approximately \$5,000.

FISCAL IMPACT:

\$29,411.25 will be paid from the Community Service Center Fund 10170 for FY 2001.

Loveland/Griffith/DLM

Aud. Cert. 2100472.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-59: Request to Exempt a Program Manager from the Classified Service for the Chief's Office.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-78) INTRODUCED; TO BE ADOPTED ON MONDAY,
DECEMBER 4, 2000

Introduction of an Ordinance exempting a Program Manager position from the Classified Service in the Chief's Office of the San Diego Police Department.

CITY MANAGER SUPPORTING INFORMATION:

On September 7, 2000, the Civil Service Commission reviewed and approved a request from the Chief of Police to exempt a Program Manager position from the Classified Service. The Program Manager will perform executive level staff functions, including but not limited to the following: represent the Chief with other City Departments on matters impacting or related to

the Police Department; direct and coordinate the processing of City Council Requests for Action (1472's), Council Committee Reports, Council referrals to the Chief, serve as the Chief's Liaison to the Public Safety and Neighborhood Services Committee, represent the Chief with Mayor and Council staffs, Intergovernmental Relations staff, and other governmental entities; brief the Manager's Office and Mayor and Council Offices regarding upcoming docket items; draft speeches and presentations for the Chief to be delivered to various community, business and professional organizations; perform other high level executive staff duties as required.

FISCAL IMPACT:

The FY 2001 Police Department Budget includes funding for a Program Manager previously assigned to the Special Services Division of the Police Department. This position and the funding for it will alternatively be used for the Program Manager position in the Chief's Office.

Uberuaga/Bejarano/CL

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-60: Exemption of Medical Review Officer from the Classified Service.

RETIREMENT BOARD'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-73) INTRODUCED; TO BE ADOPTED ON MONDAY,
DECEMBER 4, 2000

Introduction of an Ordinance amending Ordinance O-18806 (New Series), entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2000-01" by amending

Exhibit C to add one Medical Review Officer position to the Unclassified Salary Tables and exempting said position from the Classified Service.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-61: Prohibiting Smoking In and Around “Tot Lots” in City Parks.

(See memorandum from Councilmember Stevens dated 9/15/2000, Palavra Tree Smoke-Free Playground Initiative, and memorandum from James Keene.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2001-79 Cor. Copy) INTRODUCED; TO BE ADOPTED ON
MONDAY, DECEMBER 4, 2000

Introduction of an Ordinance amending Chapter IV, Article 3, Division 10, of the San Diego Municipal Code by amending Sections 43.1001, 43.1002, and 43.1003, all relating to Smoking Regulations.

NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION:

On 10/18/2000, NR&C voted 5-0 to forward to the City Council and support an ordinance prohibiting smoking within 50 feet of all “tot lots” in City parks. (Councilmembers Mathis, Kehoe, Stallings, McCarty, and Vargas voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On October 18, 2000, the Natural Resources and Culture Committee (NR&C) of The City Council, made a motion to forward to the full City Council for consideration, the prohibition of smoking within 50 feet of all tot lots within City parks and voted unanimously to instruct the City Manager to draft an ordinance that would accomplish the smoking ban. For clarification, tot lots are areas in parks, set aside for small children, usually with a boundary of concrete, wood or some type of barrier, with a base of sand, fibar or some other resilient material, and either contains children's play equipment or was designed for children's play equipment. Tot lots come in many sizes and are typically round, square, or rectangular in shape. Currently, there are 166 tot lots in the City park inventory. If an ordinance to ban smoking within 50 feet of tot lots is enacted, it will require the placement of signage to alert the public of the "No Smoking" requirement. Small tot lots will require at least two signs and larger tot lots will require up to four signs. Given this signage requirement, we estimate a need for a minimum of 500 signs to be produced and put in place. The cost per sign is \$170 for a total estimated cost of \$85,000. This cost includes the cost of producing the sign, the sign posts, and placement of the posts at the tot lot sites. Ongoing maintenance of vandalized signs is estimated at \$25,000 annually. Staff is analyzing the specific need and will be ready to proceed with this project upon enactment of the ordinance and provision of supplemental funding. Currently, tot lots are cleaned either by City staff or contractual maintenance on a daily basis, preferably before 10:00 a.m. While every effort is made to remove foreign materials and debris from the tot lots during these cleanings, it is recognized that cigarette butts, especially those buried in the sand, may often be missed. Regarding enforcement, the ordinance to the Municipal Code will likely create an infraction. Park staff and any citizen will be able to verbally inform violators that the behavior is against the law and subject to a ticket and/or fine. However, to facilitate the issuing of a citation, someone must personally observe the individual committing the infraction, a Police Officer, Park Ranger, or citizen performing a citizen's arrest. Because of the strong possibility of unfavorable repercussions and because of other issues with higher priorities, park staff do not make citizen's arrest for very minor infractions such as this. Park staff has made contact with the Police Department and will work with them to determine what methods of enforcement are available and feasible. In the past, the Police Department has indicated they will enforce Code Sections as resources and priorities permit. The limited number of Park Rangers are assigned to regional and open space parks and are not on site where the great majority of tot lots are located, thereby would not be of much assistance in this enforcement effort.

Loveland/McLatchy/WAD

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

- * ITEM-100: Five actions related to the Final Subdivision Map of Carmel Valley Neighborhood 10 Unit No. 5.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-669) ADOPTED AS RESOLUTION R-294090

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-B: (R-2001-668) ADOPTED AS RESOLUTION R-294091

Approving the final map.

Subitem-C: (R-2001-670) ADOPTED AS RESOLUTION R-294092

Authorizing a Landscape Maintenance Agreement with Pardee Construction Company for the maintenance of landscaping.

Subitem-D: (R-2001-671) ADOPTED AS RESOLUTION R-294093

Accepting a grant deed of Pardee Construction Company, granting to the City Lot "A" of Carmel Valley Neighborhood 10, Unit 5 for Open Space.

Subitem-E: (R-2001-672) ADOPTED AS RESOLUTION R-294094

Dedicating a portion of Parcel "A" as described in deed recorded November 18, 1998, as Document No. 1998-0748674 in the west half of the Northeast Quarter in the Northeast Quarter in the Southeast Quarter of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, as and for a public street to be named Harvest Run Drive.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of 75.054 acres site into 75 lots, 71 for residential, lots "B", "C" and "D" as easements and lot "A" deeded to the City as Open Space. This proposed development is located east of Carmel Mountain road in the Carmel Valley Community Plan Area. On June 30, 1997, the Planning Commission of the City of San Diego approved Resolution No. 288908 for Carmel Valley Neighborhood 10 Unit 5 Vesting Tentative Map VTM-96-0737 amending VTM-91-0834. The City Engineer has approved the final map and states that all conditions of the V.T.M. have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Nos. 28099-1-D through 28099-16-D filed in the Office of the City Clerk under Micro Number 140.48. All improvements are to be completed within two years. The Engineers estimate for the cost of improvements is \$1,279,914 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$12,600, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of building permit issuance. Development on any property within the map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. The Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and the U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility.

Lot "A" is being deeded by separate instrument to the City at no cost as a condition of tentative map approval. This lot totals 22.16 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes. Additional right-of-way for a portion of Harvest Run Drive that crosses City owned land outside of the boundary of this proposed subdivision is being dedicated as shown on City Drawing 19138-B.

FISCAL IMPACT:

None.

Loveland/Haase/DFH

<u>FILE LOCATION:</u>	Subitems A,B,C:	SUBD- Carmel Valley Neighborhood 10 Unit No. 5 (40)
	Subitem D:	DEED F-7896
	Subitem E:	DEED F-7897

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-101: Village Walk Condominiums Final Map.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-697) ADOPTED AS RESOLUTION R-294095

Approving the final map of Village Walk Condominiums.

CITY MANAGER'S SUPPORTING INFORMATION:

This map proposes the subdivision of a .807 acre site into one lot for residential development. It is located along the north side of Beech Street between Columbia Street and India Street in the

Centre City community area. On June 17, 1999 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2813-PC for Village Walk Condominiums. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. Centre City Development Permit No. 98-1113 was approved by CCDC and recorded as Document No. 1999-0827087 on December 22, 1999. The public improvements required for this subdivision are shown in detail on Drawing Number 29955-1-D - 29955-17-D, filed in the Office of the City Clerk under Micro Number 140.65. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$146,491. Performance Bond No. 814764s, issued by Developers Insurance Company in that amount, has been provided as surety. Engineering Permit No. W48564 has been issued to insure completion of all improvements. Monumentation is existing. The cost of grading is \$640,363. Performance Bond No. 814763s, issued by Developers Insurance Company in that amount, has been provided as surety and Engineering Permit No. W48294 was issued to insure completion of the grading. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FISCAL IMPACT:

None.

Loveland/Haase/SH

FILE LOCATION: SUBD-Village Walk Condominiums (40)

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-102: Sunset Cliffs Boulevard Condominiums Final Map.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-744) ADOPTED AS RESOLUTION R-294096

Approving the final map of Sunset Cliffs Boulevard Condominiums.

CITY MANAGER'S SUPPORTING INFORMATION:

This map proposes the subdivision of a 0.2651 acre site into 1 lot, for a six unit residential condominium conversion. It is located southeasterly of Sunset Cliffs Boulevard and Coronado Avenue in the Ocean Beach Community Plan Area. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. There are no new public improvements required for this project and the survey monuments are in place. This subdivision is located in the Ocean Beach Community Plan Area.

FISCAL IMPACT:

None.

Loveland/Haase/BM

FILE LOCATION: SUBD-Sunset Cliffs Boulevard Condominiums (40)

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-103: Lot Line Adjustment and Easement Abandonment - Parcel Map W.O. No. 990850.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-579) ADOPTED AS RESOLUTION R-294097

Approving Parcel Map W.O. No. 990850.

FILE LOCATION: SUBD-Parcel Map 99-0850

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-104: Easement Grant - San Diego Gas & Electric - Kiowa Drive/Alvarado Filtration Plant.

(Lake Murray Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-730) ADOPTED AS RESOLUTION R-294098

Authorizing the City Manager to execute an Easement Deed in favor of San Diego Gas & Electric Company, granting an easement for construction, maintenance, and use of underground electrical facilities on portions of Lots 97, 98, 150, 151 and 155 of La Mesa Colony, Amended Map 876, together with that former portion of Kiowa Street, now vacated and closed to public use.

CITY MANAGER SUPPORTING INFORMATION:

In order to proceed with the Alvarado Water Filtration Plant Expansion (Phase I), the Water Department has requested San Diego Gas & Electric (SDG&E) to provide redundant (back-up)

electrical switches, and new electrical service to the Filtration Plant. In order to facilitate the City's request, SDG&E will require an easement for underground facilities and appurtenances, which will include a 32 foot long retaining wall near Kiowa Drive. The requested easement area is in two Parcels: Parcel 2 (Exhibit A) is 8 feet in width, 300 feet in length, and totals 2,400 square feet; Parcel 3 (Exhibit B) is 10 feet in width, 894.3 feet in length, and totals 8,943 feet. The total easement area is 11,343 square feet. The City is responsible for the construction of the Parcel 3 trench. Due to the existence of multiple underground facilities, some minor variations may be necessary. Since Exhibit B provides a close approximation of the location of the trench, in conformance with approved construction drawings, it is recommended that the easement be approved as submitted, subject to recordation with an As-Built legal description and drawing, if necessary. Since this is a City-initiated project, there will be no charge for the easement.

FISCAL IMPACT:

None.

Loveland/Griffith/ACG

FILE LOCATION: DEED F-7898

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-105: Irrevocable Offers to Dedicate (OTD) Coastal Public Access Easements.

(La Jolla and Pacific Beach Community Areas. Districts-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-529) ADOPTED AS RESOLUTION R-294099

Authorizing the City Manager to accept the nine Offers to Dedicate (OTDs) listed on Exhibit A;
Approving the acceptance of the nine Offers to Dedicate (OTD) easements.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego received an LCP (Local Coastal Program) grant award for the La Jolla Community Plan Update from the California Coastal Commission (CCC) at the end of 1999. This grant included a requirement that the City develop a strategy to accept outstanding Offers to Dedicate (OTD) public access easements for coastal public access on properties located primarily in La Jolla and Pacific Beach. The CCC provided the City with a list of 17 outstanding OTDs to be addressed. Review of current conditions of each site with City staff and negotiations with CCC staff have resulted in agreement that the City will accept 9 of the outstanding OTDs with this action. Pursuant to the California Coastal Act, the Coastal Development Permit (CDP) obtained when each individual property was developed or improved, contained the requirement that the property owner offer to dedicate public access easements across the rear beach or bluff area of these coastal properties. These offers were typically irrevocable for a period of years and required acceptance by a public agency in order to make the public's access rights permanent. Some of the OTDs are in danger of expiring in the near future, thereby removing the public's right of access. The City now seeks to protect the public's rights by accepting these 9 OTDs. There is no property cost involved with the acceptance, but the City Park and Recreation Department will be responsible for maintenance and liability on the subject properties. These OTDs have been reviewed by the Park and Recreation Department and they concur with the disposition proposed in this action. Not accepting the offers could jeopardize the City's LCP grant award.

FISCAL IMPACT:

None with this action.

Loveland/Griffith/MFW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallons-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-106: Access and Water Easement Abandonment - Lots 3, 4, 5, and 6 of Palm Promenade Map No. 13071.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-729) ADOPTED AS RESOLUTION R-294100

Vacating the access and water easements located within Lots 3, 4, 5, and 6 of Palm Promenade Map No. 13071 on Drawing No. 00033-C.

CITY MANAGER SUPPORTING INFORMATION:

This project is located in the Otay Mesa Community, south of Palm Avenue between Interstate 805 and Dennerly Road. This action will vacate existing Access and Water Easements referred to as Parcels 1, 2, 3, 4, 5, and 6 that are portions of legal Lots 3, 4, 5, and 6 within Palm Promenade, Map No. 13071, recorded November 23, 1993. The easements were acquired and granted to the City at no cost per Deed recorded November 4, 1999 as File No. 99-0737459 (Drawing No. 27756-D). This vacation is required due to a re-design of the project. The existing easements are in conflict with the proposed site development. New required Access and Water Easements referred to as Parcels "A", "B", "C", and "D", which are portions of legal Lots 4, 5, and 6 are being acquired by a separate process. Staff recommends approval.

FISCAL IMPACT:

None.

Loveland/Haase/DH

FILE LOCATION: DEED F-7899

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallons-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-107: Home Care Month.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-767) ADOPTED AS RESOLUTION R-294101

Recognizing the importance of home care, and urging all San Diegans to support the home-care profession in its efforts to provide safe, affordable, and comfortable health care in the homes of our elderly, disabled and infirm;

Proclaiming November 2000 to be "Home Care Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-108: Appointments to the Board of Library Commissioners.

(See memorandum from Mayor Golding dated November 3, 2000 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-758) ADOPTED AS RESOLUTION R-294102

Council confirmation of the following appointment and reappointments by the Mayor to serve as members of the Board of Library Commissioners for terms ending March 1, 2002:

Reappointments

Ann MacCullough
Norris Nagao

Appointment

Laurie Black (replacing Elizabeth Bradley, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-not present.

* ITEM-109: Appointment to the Centre City Development Corporation Board of Directors.

(See memorandum from Mayor Golding dated October 27, 2000.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-759) RETURNED TO THE MAYOR

Nominating the following person for election to the Centre City Development Corporation Board of Directors:

NOMINEE

Doug Austin (Business-Finance)

NOMINATED BY

Mayor Golding

Declaring that after full and complete public discussion and deliberation, Doug Austin is re-elected to the Centre City Development Corporation Board of Directors, for a three-year term ending May 1, 2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO RETURN TO THE MAYOR FOR FURTHER REVIEW. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-110: Appointment to the San Diego County Water Authority Board.

(See memorandum from Mayor Golding dated October 27, 2000.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-760) ADOPTED AS RESOLUTION R-294103

Council confirmation of the reappointment by the Mayor of Fredrick H. Thompson to serve as a member of the San Diego County Water Authority Board, for a term ending October 27, 2006.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-111: Appointment to the Horton Plaza Theatres Foundation Board.

(See memorandum from Mayor Golding dated October 30, 2000 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-762) ADOPTED AS RESOLUTION R-294104

Council confirmation of the appointment by the Mayor of Darlene Gould Davies to serve as a member of the Horton Plaza Theatres Foundation Board, for a term ending June 7, 2001, to replace Donna Durckel, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-112: Sewer Pump Station No. 62 - Land Donation.

(Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-679) ADOPTED AS RESOLUTION R-294105

Accepting a grant deed from AG Land Associates, granting to the City the donation of Lot 150 of Penasquitos Glens Unit 2.

CITY MANAGER SUPPORTING INFORMATION:

A Notice of Completion and Acceptance of Subdivision Improvements for the Penasquitos Glens Unit No. 2, Map 6773, was recorded August, 23, 1972. At the time, Lot 150 of said subdivision, on which the City's Pump Station No. 62 was constructed, was never deeded to the City. Since that time, the City has maintained and operated the pump station on property for which the City has not secured proper fee title. The property owner, AG Land Associates, LLC, has expressed a willingness to donate Lot 150 to the City of San Diego. Authorization to accept the grant deed for the donation will ensure clear title in the name of the City, and allow for the continued maintenance and operation of the pump station.

FISCAL IMPACT:

None. This will be a donation by the property owners.

Loveland/Griffith/SLG

FILE LOCATION: DEED F-7900

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-113: Street name change - Old Pasqual Road to Old Milky Way.

(San Pasqual/Lake Hodges Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-643) ADOPTED AS RESOLUTION R-294106

Changing the name of Old Pasqual Road to Old Milky Way effective January 1, 2001;

Authorizing the installation and removal of the necessary signs and markings; and that the street signage shall indicate both the old street name and new street name for a period of one year following the street name change effective January 1, 2001 for the convenience of the general public.

CITY MANAGER SUPPORTING INFORMATION:

The San Pasqual - Lake Hodges Planning Group has requested the street name change of Old Pasqual Road to Old Milky Way. Except for one parcel owned by Sempra Energy, the properties along this road are owned by the City of San Diego and occupied by agricultural lease tenants. Although officially named as Old Pasqual Road, the street has been commonly referred to as Milky Way by residents in the area.

Two businesses with addresses on the street have concerns with this street name change. One business requests that the street name change take effect as late as possible into 2001 since they advertise using the current street name. Another business is opposed to the street name change because of the confusion it may cause customers. The street name change would be effective January 1, 2001. To allow for a transition period, two sets of street name signs with the old and new names would be installed at all intersections along the street for a period of one year. Staff finds the street name change to be consistent with City policies.

FISCAL IMPACT:

None.

Loveland/Haase/AKW

FILE LOCATION: DEED F-7901

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT WITH DIRECTION FROM COUNCIL MEMBER BLAIR TO INSTALL BEFORE JANUARY 1, 2001. Second by Blair.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-114: Allowing the Establishment of a Banner District in Mira Mesa.

(Mira Mesa Community Area. District-5.)

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-721) ADOPTED AS RESOLUTION R-294107

Declaring that in accordance with San Diego Municipal Code Section 142.1210, banners may be installed on the following streets: Mira Mesa Boulevard from I-15 to I-805; Miramar Road from I-15 to I-805; Camino Ruiz from Miramar Road to Calle Cristobal; Black Mountain Road from Miramar Road to Mercy Road; Mercy Road from I-15 to Black Mountain Road; Calle Cristobal from Camino

Ruiz to Camino Santa Fe; Sorrento Valley Road from Camino Santa Fe to the Western Boundary of Los Penasquitos Canyon Preserve; Camino Santa Fe from Miramar Road to Calle Cristobal.

The Mira Mesa Town Council shall sponsor and maintain the banners, and shall coordinate the referral of all applicants for banners to the City's Sign Code Administrator processing of necessary sign permits.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-115: North Park Toyland Parade Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-754) ADOPTED AS RESOLUTION R-294108

Recognizing the outstanding contribution The North Park Toyland Parade has made to enrich the lives of people living in the North Park;

Proclaiming December 2, 2000 to be "North Park Toyland Parade Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-116: Christ's New Creation Community Church Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-753) ADOPTED AS RESOLUTION R-294159

Recognizing the efforts of Christ's New Creation Community Church over the past five years to provide a spiritual home and center for all San Diegans;

Proclaiming November 12, 2000 to be "Christ's New Creation Community Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J551-570.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

* ITEM-117: Excusing Councilmember Stevens from the Council Meeting of Monday, October 16, 2000.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-639 Cor. Copy) ADOPTED AS RESOLUTION R-294109

Excusing Councilmember George Stevens from attending the regularly scheduled Council meeting of Monday, October 16, 2000, due to City and personal business in Washington, D.C.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-118: Reappointments to the Local Enforcement Agency Hearing Panel.

(See memorandum from Mayor Golding dated October 27, 2000.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-761) ADOPTED AS RESOLUTION R-294110

Council confirmation of the following reappointments by the Mayor to serve as members of the Local Enforcement Agency Hearing Panel for terms ending January 1, 2002:

Reappointments:

Tom Behr
Gary Stephany

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-119: Consultant Agreement - Master Plan Study Update for Montgomery Field Airport.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-716) ADOPTED AS RESOLUTION R-294111

Authorizing the City Manager to execute an agreement with Shutt Moen Associates to provide professional services for the Master Plan Study for Montgomery Field Airport;

Authorizing the expenditure of an amount not to exceed \$257,778 from CIP-31-333.0, Montgomery Field Master Plan Study Update.

CITY MANAGER SUPPORTING INFORMATION:

The overall objective of the Airport Master Plan Study for Montgomery Field is to provide guidelines for future development that will satisfy aviation demand and be compatible with the environment, community development, and other area airports. An airport master plan is a formal land use planning tool, used to identify the appropriate role for any lands surplus to the needs of aviation. It will develop a phased implementation plan for safety, security, and capital improvement projects. The consultant selected to conduct this Study is Shutt Moen Associates. The scope of work has twelve detailed tasks, which includes demand forecasting, an environmental constraints analysis, a financial implementation plan, and other tasks. The consultant will suggest ways for development to be done in a manner which is safe, logical, and economically viable. Emphasis is placed on community involvement, public meetings, and final report preparation. One of the benefits anticipated as a result of the master planning effort, is another tool to assist the City more effectively manage one of its assets, Montgomery Field Airport. This study is further justified in that there is increased likelihood for the City to receive Federal Aviation Administration (FAA) reimbursement funds of up to 90% of the total cost of identified airport improvement projects, and 5% from the State of California. The Master Plan Study under consideration is eligible for these funds.

FISCAL IMPACT:

The cost of this Study is \$257,778. FAA reimbursement is \$232,000. State reimbursement is \$12,889. Airport Enterprise Fund contribution (CIP-31-333) is \$12,889.

Belock/Boekamp/HR

Aud. Cert. 2100445.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-ineligible, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

- * ITEM-120: Agreement with Berryman and Henigar, Inc. for the design of Sewer Pump Station No. 34.

(Centre City and Barrio Logan Community Areas. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-714) ADOPTED AS RESOLUTION R-294112

Authorizing the City Manager to execute an agreement with Berryman and Henigar, Inc. for the design of Sewer Pump Station No. 34;

Authorizing the expenditure of an amount not to exceed \$196,773 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Stations 34 and 5 are in Downtown San Diego located near the intersection of Harbor Drive and Crosby Street in the Burlington, Northern and Santa Fe Railroad Company's property. Recent inspections of SPS 34 revealed the extent of the required upgrade. The existing ventilation, electrical, and control equipment are from the original 1948 installations and are worn and obsolete. The scope of work includes the upgrade of SPS 5, demolition of

SPS 34 abandoning in place the existing 12-inch cast-iron force main, and constructing approximately 700 feet of 15-inch PVC gravity main. Berryman and Henigar, Inc., was selected as the best qualified firm to provide the design consultant services for the Sewer Pump Stations. The sub-consultants, if required, are Mark Balan and Associates for electrical services - 20.9% and Tomahawk II for scanning services - 0.9%.

FISCAL IMPACT:

The requested estimate of \$196,773 for professional services includes \$179,284 for design services and \$17,489 for additional services as required. Funding is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. The total estimated cost for this project is \$1,421,523.

Belock/Boekamp/HR

Aud. Cert. 2100461.

WWF-01-475.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-121: Agreement with Brown and Caldwell for engineering consultant services for the design of Sewer Pump Station 68 Improvement.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-715) ADOPTED AS RESOLUTION R-294113

Authorizing the City Manager to execute an agreement with Brown and Caldwell for engineering consultant services for the design of Sewer Pump Station 68 Improvement;

Authorizing the expenditure of an amount not to exceed \$160,401 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City of San Diego's continuing Annual Sewer Pump Station Restoration Program. Sewer Pump Station 68 is an improvement project located in the Clairemont Mesa Community. This Sewer Pump Station is located along Sunglow Court and has been in service since 1968. A recent inspection revealed the extent of the required upgrade. Much of the existing equipment, including pumps electrical and control systems are from the original installation and are generally fatigued. The scope of work includes: Extensive rehabilitation of existing wet well, relocate electrical/control system, and install a new pump and a new 450-ft force main. A list of 15 design consultants was provided by the City's Consultant Services Coordinator. In conformance with Council Policy 300-7, the firms were interviewed. Brown & Caldwell was selected as the best qualified firm to provide the design consultant services for Sewer Pump Station 68. The Sub-Consultants are Moraes Pham & Associates-electrical/instrumentation at 18.70% MBE and O'Rourke Engineering - traffic control at 3.80% WBE.

FISCAL IMPACT:

The estimated cost of \$160,401 for professional services, which include \$115,401 for design services, and \$45,000 for additional services as required. Funding is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. The total estimated cost for this project is \$1,275,807.

Belock/Boekamp/HR

Aud. Cert. 2100434.

WWF-01-473.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

- * ITEM-122: Agreement with KEA Environmental, Inc., for "As-Needed" Environmental Consultant Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-625) ADOPTED AS RESOLUTION R-294114

Authorizing the City Manager to execute an agreement with KEA Environmental, Inc. for "As-Needed" annual environmental services for the Engineering and Capital Projects Department;

Authorizing the expenditure of an amount not to exceed \$70,000 from Water Fund No. 41500, and \$130,000 from Sewer Fund No. 41506;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

A list of "As-Needed" Environmental Engineering Consultant Services was requested on May 26, 2000, from the Consultant Selection Coordinator. The Consultant Nominating Committee nominated five firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on July 31, 2000, and the firm of KEA Environmental, Inc., was selected as the best qualified firm to provide the "as-needed" annual environmental consultant services. The sub-consultant on this project is Ninyo and Moore (hazardous waste). The agreement provides for environmental engineering services by task on

an hourly basis not to exceed \$20,000 per task. These services will include preparing and performing cultural resource's evaluations, preliminary environmental studies, paleontological resource's evaluations, and preliminary hazardous waste material's analysis for major pipelines, pump stations, and other miscellaneous projects. The total contract cost shall not exceed \$200,000 for a period of one (1) year from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement will be \$200,000. Funding is available from Water Fund 41500 and from Sewer Fund 41506.

Belock/Boekamp/HR

Aud. Cert. 2100417.

WWF-01-468.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-123: Agreements for As-Needed Wet Weather Monitoring Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-711) ADOPTED AS RESOLUTION R-294115

Authorizing the City Manager to execute an agreement with MEC Analytical Systems, Inc., for As-Needed Wet Weather Monitoring;

Authorizing the City Manager to accept fees from participating agencies in an amount up to \$387,966.84 to be deposited in Storm Drain Fund 105086;

Authorizing the expenditure of an amount not to exceed \$50,000 from Fund No. 10440, and \$600,000 from Fund No. 105086;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, eighteen (18) incorporated cities, the Port of San Diego, and the County of San Diego do storm water monitoring each year to comply with their Municipal Storm Water Permit or Regional Water Quality Control Board Order No. 90-42. This is the 8th year of a cooperative agreement established in 1993 to accomplish this monitoring. The City of San Diego, as principal permittee, agreed to hire the consultant and administer the contract. All Copermittees share in the cost in accordance with population and developed land area. Over the past 7 years, the monitoring program has included storm water monitoring at specific representative land use stations, special studies, bioassays, and surveys. A new Municipal Storm Water Permit is anticipated this year. The new permit is expected to include increased monitoring requirements. In accordance to the City Council Policy 300-7, the City advertised in The Daily Transcript in January 2000 for consulting services for a five (5) year As-needed Storm Water Monitoring Contract. Six firms responded. Five firms were interviewed on May 15 and 16, 2000. One firm declined to interview. MEC Analytical Systems, Inc. was selected as best qualified. Contract subconsultants include: MGD Technologies, Field Technical Support; Camp Dresser & McKee, Inc., Technical Program Review; Pacific Treatment Analytical Services, Inc., Analytical Chemistry; APPL, Inc., Analytical Chemistry, Calahan Association, Inc. MBE, Statistical Analysis Support. The agreement with MEC Analytical Systems, Inc., for five (5) years with a maximum expenditure of \$1,000,000 per year. The funding for this Agreement will be approved annually. The funding level approved by the Copermittees this year is \$600,000. The City anticipates needing services this year for monitoring in the San Diego Bay, Mission Bay, San Diego River, Penasquitos Lagoon, and Tijuana River watersheds.

FISCAL IMPACT:

The estimated City share of the cost for this year's wet weather monitoring program is \$212,033.16, and Funds are available in the storm drain fund 105086. Funds for the City's as-needed monitoring for FY 2001 (\$50,000) is available in Fund 10440. The other Copermittees

have been invoiced for their share and will fund the remainder of the program or a cost of \$387,966.84.

Belock/Gonzalez/KH

Aud. Cert. 2100479.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-124: Agreement with Katz, Okitsu & Associates for As-Needed Traffic Engineering Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-743) ADOPTED AS RESOLUTION R-294116

Authorizing the City Manager to execute an agreement with Katz, Okitsu and Associates for As-Needed Traffic Engineering Services for the Engineering and Capital Projects Department;

Authorizing the expenditure of an amount not to exceed \$50,000 from Fund No. 41500 and \$100,000 from Fund No. 41506;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

A list of As-Needed Traffic Engineering Consultants were requested from the Consultant Services Coordinator on April 17, 2000. The Consultant Nominating Committee nominated five firms to participate in the final selection process. The firm Robert Bein William Frost and Associates declined to interview due to their current work load. In conformance with Council Policy 300-7, the remaining four firms were interviewed on June 5, 2000, and the firm of Katz Okitsu & Associates was selected as the best qualified firm to provide the As-Needed Consultant Services.

The agreement provides for traffic services by task orders on an hourly basis not to exceed \$20,000 per task. These services include the preparation of traffic plans for the construction of water and sewer projects. The development and implementation of these plans will help insure the safety of the people in the project area. The total contract shall not exceed \$150,000 for a period of two years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement will be \$150,000. Funding of \$50,000 is available from Fund 41500, and \$100,000 from Fund 41506.

Belock/Boekam/HR

Aud. Cert. 2100482.

WWF-01-466.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-125: Winzler and Kelly Consulting Engineers Agreement for Parkland Pump Station Design.

(Encanto, Bay Terraces and Paradise Hills Community Areas. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-689) ADOPTED AS RESOLUTION R-294117

Authorizing the City Manager to execute an agreement with Winzler and Kelly Consulting Engineers to provide design and construction support services for the Parkland Pump Station;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$300,000 from Water Fund 41500, CIP-73-263.0, Annual Allocation - Water Pump Station Restorations, to Water Fund 41500, CIP-73-346.0, Parkland Pump Station;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$482,000 from Water Fund 41500, CIP-73-346.0, Parkland Pump Station for the purpose of funding the agreement and related in-house engineering costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Potable water to the communities of Encanto, Bay Terraces and Paradise Hills is currently supplied by several small pump stations. Some of these existing pump stations are in poor condition and operate at low efficiencies, causing the City to rely on imported County Water Authority (CWA) water to meet demands. The Water Department evaluated this distribution system to determine the upgrades necessary to optimize the City's treated water supply and minimize the dependence on imported water, while providing an improved and reliable water source. The evaluation concluded that the Parkland Pump Station should be constructed and five existing pump stations demolished. The Parkland Pump Station will be constructed at the site of the existing Paradise Mesa Pump Station Number One, which will be demolished. Approximately one thousand feet of eight-inch pipeline will be installed along Alta View Drive between Dorian Street and Bougainville Road. After these improvements have been completed, four existing pump stations will be taken out of service and demolished.

The City's consultant procurement process was used to interview the most qualified consultants. Five firms were short-listed and interviewed by a panel composed of Water Department, Equal Opportunity Contracting Program and Sweetwater Authority staff. The procurement process resulted in the selection of Winzler & Kelly Consulting Engineers to provide the required professional services.

FISCAL IMPACT:

Funding for the engineering consultant and related in-house engineering costs in the amount of \$300,000 is available to be transferred from Water Fund 41500, CIP-73-286.0, Annual Allocation - Water Pump Station Restorations to Water Fund 41500, CIP-73-346.0, Parkland Pump Station. The remaining funds, in the amount of \$182,000, are available from Water Fund 41500, CIP-73-346.0, Parkland Pump Station.

Belock/Gardner/NMK

Aud. Cert. 2100465.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-nay, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-126: California Department of Boating and Waterways (CDBW) Grant Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-682) ADOPTED AS RESOLUTION R-294118

Authorizing the City Manager or his designated representative to apply to the CDBW for additional grant funding in the amount of \$907,000 for the Projects;

Authorizing the City Manager or his designated representative to take all necessary actions to secure the grants, including but not limited to, negotiating

and signing agreements, amendments, and payment requests, from the CDBW for the Projects;

Authorizing the City Manager or his designated representative to accept, appropriate, and expend the funds if the grants are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants.

CITY MANAGER SUPPORTING INFORMATION:

The City Council adopted Resolution R-293707 on August 15, 2000, authorizing the City Manager to apply to the Department of Boating and Waterways for \$3,245,000 in grant funds for boating related capital improvements at eight City reservoirs. The grant application was reviewed by the Department of Boating and Waterways and it has been advised that the City increase the requested amount of funding by an additional \$907,000 to account for contingency and inflation related to the eight projects. The reservoirs to utilize funding, if granted, for replacement and/or expansion are: Barrett, El Capitan, Hodges, Miramar, Lower Otay, San Vicente, Sutherland and Upper Otay. Reservoir improvements include: the development of launch areas, widening of launch ramps, replacement of courtesy docks, installation of picnic areas and walkways (some for the purpose of meeting ADA compliance), replacement of restroom facilities and paving of parking lots. These improvements are intended to benefit boaters and increase utilization of the reservoirs through offering increased access to the waters and improving the areas surrounding the reservoirs.

FISCAL IMPACT:

None with this action. The additional amount of grant funding to be applied for with this action is \$907,000. The total amount of grant funding to be applied for is \$ 4,152,000, which includes \$3,245,000 previously authorized as R-293707.

Belock/Gardner/CCW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-127: Office Space Lease Amendment - Police Department.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-766) ADOPTED AS RESOLUTION R-294119

Authorizing the City Manager to execute the First Amendment to Lease, at an initial rent of \$1,705.50 per month;

Authorizing an expenditure of \$17,055 from the Police Department's Fund 100, for FY 2001.

CITY MANAGER SUPPORTING INFORMATION:

The Police Department has been leasing space at 205 G Street since July 12, 1994 as a police storefront. Recently, the landlord has agreed to extend their tenancy for three years. The Police Department is proposing to renew their lease under the following basic terms:

TERM - Three (3) years. Commencing September 1, 2000, terminating August 31, 2003.

RENT - \$0.90 per square foot or \$1,705.50 per month. Rental rate is below market value as compared to similar buildings in the downtown area.

USE - General office usage for the Police Department.

SIZE - 1,895 square feet.

OPTION TO EXTEND - Police Department has the option to extend the lease for one additional two (2)-year period.

FISCAL IMPACT:

\$17,055 will be paid from the Police Department's Fund 100 for FY 2001.

Loveland/Griffith/DLM

Aud. Cert. 2100517.

FILE LOCATION: LEAS-Market Street Square, LP

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-128: Five-year lease agreement with the United States Customs Service - San Ysidro View Park Communications Center.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-537) ADOPTED AS RESOLUTION R-294120

Authorizing the City Manager to execute a five-year lease agreement with the United States Customs Service for operating a telecommunications facility on City-owned property located at San Ysidro View Park Communications Center, pursuant to a right of entry permit.

CITY MANAGER SUPPORTING INFORMATION:

The proposed U.S. Customs facility consists of a total of one (1) rack space in the City vault at San Ysidro View Park (Moody Canyon) Communications Center and one (1) antenna on the City's tower. The facility provides mobile radio support as part of the U.S. Customs Service's law enforcement activities in the area. The subject facility has been in operation since 1997 via a Right of Entry Permit which expired earlier this year. The U.S. Customs Service has been a dependable tenant during that period.

Basic terms of the agreement are as follows:

USE - To construct, maintain, repair, alter and operate a wireless telecommunications facility consisting of antennas, power and radio communications equipment, and cabling.

TERM - Five (5) years with three (3) five (5)-year options.

RENT- Rent is Four Hundred Twenty Dollars (\$420.00) per month with annual 6% rent increases, and reappraisal at years 5, 10 and 15. This value is consistent with a recent outside appraisal dated August 2000.

FISCAL IMPACT:

The City will receive \$5,040 in the first year of the lease with annual 6% rent increases thereafter. Rental Proceeds generated will be credited to the City's General Fund.

Loveland/ Griffith/JPA

FILE LOCATION: LEAS- United States Customs Service

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-129: Sewer Pump Station No. 24 - Change Order No. 5.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-598) ADOPTED AS RESOLUTION R-294121

Approving Change Order No. 5, with Orion Construction Corporation for the construction of Sewer Pump Station No. 24, increasing the contract price by \$29,800.93;

Authorizing the expenditure of an amount not to exceed \$29,800 from Sewer Fund No. 41506, CIP-46-142.0 for the purpose of funding Change Order No. 5;

Authorizing the expenditure of an amount not to exceed \$30,471.07 from Sewer Fund No. 41506, CIP-46-142.0 for the purpose of performing additional in-house engineering;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, in any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On March 30, 1999, the City Manager approved awarding the low base bid of \$3,595,325 to Orion Construction Corporation for the construction of Sewer Pump Station No. 24. This project includes the construction of a new underground sewer pump station, the demolition of the existing sewer pump station, the construction of a new forcemain, and the rehabilitation of the existing forcemain along Coast Boulevard and Pearl Street in the La Jolla Community area. Construction Change Order No. 1 included the additional installation of three (3) manholes, and compensation to the contractor for work associated with various underground utility conflicts. Change Order No. 2 compensated the contractor for additional work associated with modifications to the Comnet System and other electrical work. Change Order No. 3 compensated the contractor for additional work required by the Regional Water Quality Board in connection with the Site Assessment Plan to abandon the existing sewage emergency storage tank. Change Order No. 4 included the additional replacement of 80 feet 8-inch sewer main along Pearl Street, per the request from the operating division. During the final phase of construction, it was necessary to replace the existing concrete pavement which was in poor condition, and provide additional striping within the vicinity of the pump station. Also, additional work associated with modifications to the pump impellers was required to remediate the cavitation noise problem. The total construction cost for Change Order No. 5 is \$29,800.93. The additional requested money for additional engineering, \$30,471.07 is needed to fund additional design and inspection work associated with abandoning the existing monitoring well and pump cavitation problem. This work includes examination and evaluation of the pump's hydraulic characteristics, observation and monitoring of pump testing at the manufacture (Fairbanks Morse Company) pump plant in Kansas City, MO. Also, additional meetings and coordination between the City staff, the contractor, and the design consultant is required to evaluate and finalize the cavitation issue.

FISCAL IMPACT:

The total estimated cost for the project is \$4,849,003 of which \$4,788,731 was previously authorized by Council Resolutions. This request of \$60,272 is available in Sewer Fund 41506, CIP-46-142.0, Sewer Pump Station No. 24 for this purpose.

Belock/Boekamp/HR

Aud. Cert. 2100401.

WWF-01-464.

FILE LOCATION: CONT- Orion Construction Corporation

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

* ITEM-130: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-659) ADOPTED AS RESOLUTION R-294122

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l- State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-nay, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

- * ITEM-131: Declaring a Continued State of Emergency Regarding a Critical Local Public Health Crisis related to the Spread of the Hepatitis C Virus.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-719) ADOPTED AS RESOLUTION R-294123

Declaring a Continued State of Emergency Regarding a Critical Local Public Health Crisis related to the Spread of the Hepatitis C Virus.

FILE LOCATION: GEN'L - Local Health Emergency Due to Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-not present.

- * ITEM-132: Alcohol Beverage Licenses.

(See City Manager Report CMR-00-178 and Memorandum from Councilmember Wear dated 9/13/2000.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-677) ADOPTED AS RESOLUTION R-294124

Delegating the authority to determine public convenience or necessity for alcoholic beverage licensing to the Police Department and establishing a review process.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On September 13, 2000, PS&NS voted 4 to 0 to accept the City Manager's recommendation. The City Manager was also directed to establish an "early assistance team" in cooperation with the Hospitality Resource Panel which would serve as a central contact point for the resolution of community concerns and conflict regarding alcohol beverage licenses. (Councilmembers Mathis, Wear, Stevens and Stallings voted yea.)

SUPPORTING INFORMATION:

September 13, 2000, the Public Safety and Neighborhood Services Committee voted 4-0 to accept the City Manager's recommendation: 1) Delegate the decision making authority for public convenience or necessity determinations for alcohol beverage state license purposes for both off-sale businesses and bars to the San Diego Police Department. 2) Approve the use of the outlined criteria in determining public convenience or necessity for off-sale businesses and bars. The City Manager was also directed to establish an "early assistance team" in cooperation with the Hospitality Resource Panel which would serve as a central contact point for the resolution of community concerns and conflict regarding alcohol beverage licenses.

BH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-133: Year Round Homeless Family Shelter.

(See City Manager Reports CMR-00-208, CMR-00-145, and Pacifica Capital's Information. Centre City Community Area. District-3.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-726) ADOPTED AS RESOLUTION R-294160, WITH DIRECTION

Accepting the City Manager's recommendations contained in City Manager Report CMR-00-208, and those of the Land Use and Housing Committee;

Authorizing the City Manager to proceed with the necessary actions to purchase the Days Inn in time for this winter season, if possible;

Authorizing the City Manager to apply for a HUD Section 108 Loan and take the necessary actions for a bridge loan or lease option, if necessary to fund the purchase of a permanent shelter for homeless families to be repaid with shelter program annual allocations;

Authorizing the acceptance of the funding plan identified in City Manager Report CMR-00-208;

Directing the City Manager to return to the Council by the first quarter of 2001 with the necessary resources to extend the shelter to the end of the year 2001;

Authorizing the City Manager to proceed with negotiating a six-month to one-year lease with Sprung Structure, Inc., as an interim measure for a year-round family shelter, if necessary;

Directing the City Manager to authorize the HOT Team to patrol the area around the Days Inn and 10th Avenue;

Directing the City Auditor and Comptroller to appropriate and expend funding identified in City Manager Report CMR-00-208, providing that an Auditor Certificate is issued demonstrating that funds for such obligations are, or will be, deposited in the City Treasury.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On October 11, 2000, LU&H voted 4 to 0 to:

A. Direct the City Manager to work with the City Attorney to prepare an ordinance approving the purchase, rehabilitation, and operation of the Days Inn as a family shelter, and return to the full City Council within a month.

B. Investigate a Section 108 Housing and Urban Development Department loan and potential bridge loans as well as the possibility of an interim lease of the full facility until purchase can be completed. The option of future sale to another service provider is to be kept open.

C. Approve the City Manager's Facility Acquisition Plan and return the first quarter of next year with a financing plan for operations through the end of 2001.

D. Work with the Centre City Development Corporation, the HOT Team, and Alpha Project, as appropriate, to "clean up" 10th Avenue.

E. Continue, on a parallel track, to negotiate with Sprung Structures as a possible interim solution in case Days Inn can't be opened in time.

(Councilmembers Wear, Kehoe, Stevens and Blair voted yea. Councilmember McCarty not present.)

CITY MANAGER SUPPORTING INFORMATION:

On Wednesday, October 11, 2000, the Land Use and Housing Committee voted 4-0 to approve the recommendations as outlined in City Manager's Report CMR-00-208 Year Round Homeless Family Shelter. The Committee also request that the City Manager direct the HOT Team to patrol the area around the Days Inn and 10th Avenue. The Committee forwarded the Year Round Homeless Family Shelter project as outlined in City Manager's Report CMR-00-208 to the full City Council and recommended its approval. Staff recommends approval of funding for the Year Round Homeless Family Shelter project as outlined in City Manager Report CMR-00-208.

NOTE: This action is not for acquisition of property. The matter regarding acquisition will come before the City Council as a separate action.

FISCAL IMPACT:

There is currently \$345,313 available to fund the shelter program through the end of Fiscal Year 2001. There is also a one time \$90,000 Fiscal Year 2000 CDBG allocation that could be made available. Additional funds (i.e. County, State and private) are being pursued with final outcomes expected by March 2001. Funding for the permanent site will be provided by a HUD Section 108 Loan.

Loveland/Cunningham/DFF

Aud. Cert. 2100491.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: J293-550.)

MOTION BY WEAR TO ADOPT THE RESOLUTION WITH DIRECTION TO HAVE STAFF CONCURRENTLY ANALYZE THE ZONING ISSUES AND HAVE FINANCING SERVICES REVIEW THE ISSUES; AND THEN MAKE A RECOMMENDATION TO THE COUNCIL EXPLAINING WHAT IS AND IS NOT FEASIBLE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

- * ITEM-134: Funding for the Schematic Designs of Pedestrian Crossings of Harbor Drive near the Convention Center.

(Marina, Gaslamp and East Village Community Areas. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-777) ADOPTED AS RESOLUTION R-294125

Accepting the \$25,000 donation from Padres, L.P., and the \$25,000 donation from the San Diego Convention Center Corp., to be deposited in Fund 63022, Private and Other Contributions - CIP, and appropriates this funding to CIP-58-002.0, Assessment Districts, for preparing Schematic Designs of Pedestrian Crossings of Harbor Drive near the Convention Center;

Authorizing the City Manager to execute an agreement in an amount not to exceed \$75,000 from CIP-58-002.0, Assessment Districts, (\$50,000 from Private and Other Contributions Fund 63022 and \$25,000 from TransNet Fund 30300.

CITY MANAGER SUPPORTING INFORMATION:

Recent and planned development in the Marina, Gaslamp, and East Village Districts of the downtown area, have prompted the City of San Diego to initiate a pedestrian crossings study across existing railroad tracks, located along Harbor Drive near the Convention Center. Patrons of the Convention Center facilities are anticipated to create a pedestrian traffic across the railroad tracks and Harbor Drive as they travel to nearby surface parking areas and other public venues, located in the Gaslamp and East Village Districts. A consultant will be retained to perform the

schematic designs. Preparation of this study now will allow any needed improvements to be coordinated and possibly incorporated into the current and planned future development efforts for efficiency purposes.

FISCAL IMPACT:

The study is equally funded by the City of San Diego, Padres L.P., and the San Diego Convention Center Corp., each contributing \$25,000, for a total of \$75,000.

The City's \$25,000 share of the contribution is available in Fund 30300 (TransNet), and would be appropriated to CIP-58-002.4, "Schematic Designs of Pedestrian Crossings of Harbor Drive near the Convention Center".

Herring/Boekamp/MEH

Aud. Cert. 2100522.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-ineligible, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-200: Two actions related to Amendment to Municipal Code and Adoption of Council Policy Relating to Library Operations and Maintenance.

CITY COUNCIL'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2001-70) INTRODUCED; TO BE ADOPTED ON MONDAY,
DECEMBER 4, 2000

Introduction of an Ordinance amending Chapter II, Article 2, Division 2 of the San Diego Municipal Code by adding Section 22.0228 relating to funding for operation and maintenance of City Libraries in proposing the annual budget.

Subitem-B: (R-2001-583) ADOPTED AS RESOLUTION R-294126

Establishing Council Policy No. 100-19 regarding Annual Appropriation for
Library Operations and Maintenance.

CITY MANAGER SUPPORTING INFORMATION:

On August 8, 2000, the City Council declined to place a proposed Charter amendment on the November, 2000, ballot that would have required an annual appropriation of an amount equal to 6 percent of the general fund for library operations, maintenance and supplies. The Council did; however, direct the City Attorney to return to Council with a proposal that would emphasize the need for adequate funding for library operations and maintenance, as well as for active use parks and recreation centers. The proposed Municipal Code amendment would require the City Manager to include a set figure for library operations and maintenance in his annual proposed budget. The proposed Council Policy articulates the Council's acknowledgment that libraries must be adequately funded, while retaining the Council's discretion to ensure that all of the City's needs can be funded in the annual appropriation ordinance.

FILE LOCATION: Subitem A: NONE.
Subitem B: MEET

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND TO ADOPT THE RESOLUTION IN SUBITEM B. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-201: Approving the Plans and Specifications and Inviting Bids for the Construction of Water Replacement Group 527A.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-427) ADOPTED AS RESOLUTION R-294127

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Water Replacement Group 527A on Work Order No. 183161;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,492,507 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Authorizing the use of City Forces to do all the work to hi-lining, cut and plug and reconnection as required in connection with Construction of Water Group 527A, pursuant to recommendation of the City Manager and submission of estimates by him indicating that said work can be done by the City Forces more economically than if let by contract. The cost of said work shall not exceed \$238,528. (BID-K01029C)

CITY MANAGER SUPPORTING INFORMATION:

Water Group 527A is part of a program established by the City of San Diego mandating the replacement of all cast iron mains currently in service. The existing mains were constructed as early as 1920 and are approaching the end of their useful life. Replacement of these deteriorated and under-sized mains will continue to provide the community with a safe and reliable infrastructure. This project is within the Pacific Beach community area and involves the replacement and rehabilitation of approximately 5,882 linear feet of water main, and the construction of forty-four (44) pedestrian ramps. The limits of the work affected by the construction operations are shown on the location map. Traffic control plans will be included with the project plans.

FISCAL IMPACT:

The total estimated cost of this project is \$1,492,507. Funding is available from Water Fund 41500, Annual Allocation - Water Main Replacement, CIP-73-083.0.

WWF-01-472.

FILE LOCATION: CONT - Dietrich Corp.; W.O. 183161

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-202: Front Loading Refuse Packers - Award of Contract and Authorize Expenditure.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-580) ADOPTED AS RESOLUTION R-294128

Awarding a contract to PTO Sales Corporation (Fontana, Ca) for furnishing front loading refuse packers, as may be required for a period of May 1, 2000 through April 30, 2001, for a total estimated cost of \$1,655,500 including tax, terms Net thirty (30) days, with option to renew for three (3) additional one (1) year periods, with option increases not to exceed 20% of the prices in effect at the end of the prior year, per prices on file in the Purchasing Division;

Authorizing the expenditure of an estimated \$103,000 for the sales tax from the Equipment Division like replacement fund (Fund No. 500381) for providing funds for said contract;

Declaring that the City Manager may finance the acquisitions, under the Master Lease Program over a period of five (5) years. (BID-Q1937/99)

CITY MANAGER'S SUPPORTING INFORMATION:

In April, 1999, bids were opened for furnishing Front Loading Refuse Packers. Five (5) potential bidders were contacted; three (3) bids were received per tabulation. These units are for use by Environmental Services primarily for the curbside recycling program. The original contract period was for one (1) year beginning May 1, 1999 through April 30, 2000, with options to renew for four (4) additional one (1) year periods. At the time of award only two (2) units were being purchased at a total cost of \$352,482.58, including tax, and Council approval was not required for the award. The contract has been renewed for the first one (1) year option period, May 1, 2000 through April 30, 2001. This fiscal year, the City intends to purchase eight (8) Front Loading Refuse Packers, which are unlike replacements for existing equipment, at an estimated cost of \$1,655,500. It is not anticipated, at this time, that any additional front loading refuse packers will be acquired during this fiscal year.

FISCAL IMPACT:

It is proposed that the acquisition be financed using the City's Master Lease Program. For fiscal year 2001, the estimated payment for estimated sales tax is \$103,000 (rounded) to be cash funded by Equipment Division. For fiscal year 2002 through 2006 the approximate lease payment is \$310,500 per year to be funded by Environmental Services Refuse Collection- Recycling Division via Equipment Division.

Frazier/Baldwin/PK

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-203: Lot Consolidation Parcel Map and Easement Abandonment in Parcel Map 14070 and Parcel Map 1955.

(Navajo Community Plan Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-658) ADOPTED AS RESOLUTION R-294129

Approving Parcel Map W.O. No. 991116.

CITY MANAGER'S SUPPORTING INFORMATION:

This project is located south of Navajo Road between Jackson Drive and Golfcrest Road in the Navajo Community Plan Area. This parcel map will consolidate Parcel 1 of Parcel Map 1955 together with Parcel 2 and a portion of Parcel 1 of Parcel Map 14070 to enable new construction for the Archstone-Mission Trails multi-family apartment complex project as approved by Planned Commercial Development Permit No. 99-0075. Unneeded existing Water Easements will hinder the new development and are proposed for vacation. Newer Water and Sewer Easements are being granted on the parcel map. Engineering Permit No. W49149 has been issued and a bond posted to ensure completion of the public improvements shown on Engineer Drawing No. 30376-D. Staff recommends approval of the map and abandonment of the easements.

FISCAL IMPACT:

None.

Loveland/Haase/RSV

FILE LOCATION: SUBD-Parcel Map W.O. No.991116 (40)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-204: Piper Ranch Business Park Substitute Deferred Subdivision Improvement Agreement.

(Otay Mesa (Brown Field) Community Area. District-8.)

ASSISTANT CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-656) ADOPTED AS RESOLUTION R-294130

Declaring that it is not in the public interest to require the public improvements sooner than two years after the recordation of the final map of Piper Ranch Business Park, pursuant to Subdivision Map Act Section 66499(a)(4);

Authorizing the execution of a Deferred Subdivision Improvement Agreement with DAMG IV, LLC, for the installation and completion of certain public improvements;

Terminating the existing Subdivision Improvement Agreement with TCW, documents RR-273179 and RR-277895;

Repealing Resolution R-292899 adopted on April 10, 2000.

ASSISTANT CITY MANAGER SUPPORTING INFORMATION:

The City Council approved the final map for Piper Ranch Business Park (Map # 12346) on April 10, 1989. Various extensions of time have been granted and the public improvements have not been built. The City Engineer finds that the public improvements will not be needed within the next two years and the owner wishes to replace the current Subdivision Improvement Agreement with a Deferred Subdivision Improvement Agreement and exonerate the current bond. The Deferred Improvement Agreement will act as a lien on the property in place of a normal surety. When the subdivider is ready to construct the improvements the appropriate surety will be required prior to the issuance of a Notice to Proceed for construction. In March of this year the City Council approved a Subdivision Improvement Agreement with DAMG IV, with conditions, by Resolution R-292899. The conditions were never completed and the agreement was never in effect. The resolution should be canceled because the agreement was never in effect. Staff recommends approval.

FISCAL IMPACT:

None.

Loveland/Haase/JC

FILE LOCATION: SUBD- Piper Ranch Business Park (40)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-205: Sale - City's Leased Fee Interest, Lot 9, Eastgate Technology Park.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-614 Cor. Copy) ADOPTED AS RESOLUTION R-294131

Authorizing the sale by negotiation of the real property known as Lot 9, Map 11498, Eastgate Technology Park and the City's leased fee interest in said real property for the sum of \$3.1 million;

Authorizing the execution of a quitclaim deed, quitclaiming to Price Family Charitable Fund, a California nonprofit corporation, or, to Kilroy Realty Corporation;

Declaring that a 3½ percent broker's commission shall be paid to CB Richard Ellis by the City on the negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

On June 8, 1999, the Mayor and Council authorized the City Manager to market the City's interest in Lot 9, Eastgate Technology Park to the general public. The City's interest in Lot 9 consists of its interest in the lease and the parcel of land, which consists of 3.91 acres. Kilroy Realty owns the improvements, which consist of a 45,200-square-foot building on the site, occupied by SAIC. The City obtained an outside appraisal in February 1999 which indicated a range of value from \$3.3-3.6 million. The City's broker distributed a marketing brochure listing the property at \$3.4 million. Staff consulted with an independent appraiser and confirmed that

currently \$3.1 million represents the full market value for the City's interest. Lot 9 is currently encumbered by a lease which causes the property to have a very low rate of return for the next 5-7 years. This means it will attract a limited number of potential investors and a limited window to maximize price. The low rate of return causes a decrease in value as interest rates rise. Due to the rise in interest rates since the appraisal was completed 9 months ago, \$3.1 million represents the current market value (which may further erode as interest rates continue to rise). Given these facts, the City's broker, appraiser and staff concur that the current \$3.1 million offer represents the best opportunity to maximize the City's return. The City Manager recommends accepting the offer made by Price Family Charitable Fund at \$3.1 million, and payment of 3½% broker's commission to CB Richard Ellis. The escrow with Price Family Charitable Fund is contingent on the lessee, Kilroy Realty, waiving its 60-day right of first refusal to purchase the City's interest in Lot 9.

FISCAL IMPACT:

\$3.1 million will be deposited into the Police Decentralization Fund No. 30248, less a 3½% recommended broker's commission.

Loveland/Griffith/SA

FILE LOCATION: DEED F-7902

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-206: Easement Grants - Pacific Bell / Cox PCS - Fairbanks Country Club.

(Fairbanks Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-623) CONTINUED TO MONDAY, NOVEMBER 21, 2000

Authorizing the execution of an easement deed conveying to Pacific Bell an easement for the purpose of constructing and maintaining aerial and underground communication facilities affecting Lot 1, Fairbanks Country Club Unit 1, Map 10730, filed September 29, 1983;

Authorizing the execution of an easement deed conveying to Cox PCS Assets, L.L.C., a Delaware limited liability company, an easement for the purpose of constructing and maintaining underground communication facilities affecting Lot 1, Fairbanks Country Club Unit 1, Map 10730.

CITY MANAGER SUPPORTING INFORMATION:

The Polo Club, a City lessee, has requested City approval of a sublease agreement, with Cox PCS, establishing a cell site on the leased premises, which is situated on a 493 acre parcel of Designated Open Space. Two communications easements will be necessary to establish the site. The Pacific Bell easement will provide for expanded service in the Del Mar Highlands area, as well as fulfill the request of the Polo Club to provide the additional lines required by the proposed cell site. The easement for overhead facilities is 7 feet wide, and 2,599 feet long, totaling 18,193 square feet. The easement will have no impact upon the existing open space, since it will be located within an existing pole line. The Cox PCS portion of the communication easement will be underground, thus preserving the existing open space. The easement is 5 feet wide, 633 feet long, and will include a 288 square foot pad, totaling 3,453 square feet. Since both easements were requested by an existing lessee, and the City will receive 50% of all sublease revenue made possible by the easements, no compensation will be required.

FISCAL IMPACT:

The City's share of sublease revenue is \$7,200 per year, to be deposited into General Fund 100.

Loveland/Griffith/ACG

FILE LOCATION: DEED F-7903

COUNCIL ACTION: (Tape location: B485-C058.)

CONSENT MOTION BY WEAR CONTINUE TO MONDAY, NOVEMBER 21, 2000 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-207: The Department of Housing and Urban Development (HUD) 108 Loan for Linda Vista Town Center.

(Linda Vista Community Area. Districts-5 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-768) ADOPTED AS RESOLUTION R-294168

Authorizing the City Manager to apply to the Department of Housing and Urban Development (HUD) for a Section 108 Loan of \$2.5 million for the Linda Vista Town Center and to set forth the legal authority and certifications necessary for the application;

Authorizing the City Manager to accept and expend such funds, to conduct all negotiations, and to execute and submit all documents related to the processing of such a loan, if said loan is approved;

Authorizing the use of future Community Development Block Grant (CDBG) entitlements, specifically those allocated to Council Districts 5 and 6, to repay the loan with equal amounts committed from each District;

Authorizing the City Manager to amend the CDBG 2001 Action Plan to reflect the use of HUD 108 loan funds for the project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-208: Donation from the San Diego Foundation for the Construction of the Point Loma Branch Library.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-731) ADOPTED AS RESOLUTION R-294132

Authorizing the City Manager to accept a \$5 Million donation from the San Diego Foundation for the construction of the Point Loma Library, under the terms and conditions set forth in the letter from the San Diego Foundation dated October 2, 2000, together with any additional agreements necessary to effectuate the purpose of this grant;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$100,000 from CIP-29-473.0, Pacific Beach Lifeguard Tower and Grand Avenue Restroom, Coastal Infrastructure Fund No. 102232 to CIP-35-067.0, Point Loma Branch Library for the purpose of continuing the design of the facility.

CITY MANAGER SUPPORTING INFORMATION:

The existing 4,894 square foot Point Loma Branch Library, located at 2130 Poinsettia Drive is too small to meet the community's needs. This project provides for a new 25,890 square foot library on land adjacent to the existing facility that was acquired earlier for this purpose. The new library will include reading areas, a children's area, computer lab, community and meeting rooms, audiovisual facilities, and other related areas. The existing library will be demolished after construction of this project. In honor of James Edgar and Jean Jessop Hervey, The San Diego Foundation proposes a \$5 Million Grant to the City of San Diego for the construction of the new Point Loma Library. This action authorizes the City Manager to enter into an agreement with the San Diego Foundation for the charitable grant. City and other funds will be available for the completion of the project design and administration, books, equipment and furnishings.

FISCAL IMPACT:

The total project cost is \$8,850,000. The \$5 Million San Diego Foundation Grant will be used for library construction. North Bay Redevelopment Bond proceeds in the amount of \$3.25 Million and anticipated proceeds from the Friends of the Point Loma Library's capital campaign of \$.50 Million will complete the project budget. \$100,000 from CIP-29-473.0 is required to continue work on the project design, and will be returned to the Pacific Beach Lifeguard Tower & Grand Avenue Restroom project early 2001, when additional City funds become available for the project.

Belock/Boekamp/AO

Aud. Cert. 2100847.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-209: Agreement with Berryman and Henigar, Inc., for "As-Needed" Planning and
Design of Sewer and Water Group Jobs.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-717) ADOPTED AS RESOLUTION R-294133

Authorizing the City Manager to execute an agreement with Berryman and
Henigar, Inc. for "As Needed" planning and design of Sewer and Water Group
Job Services for the Engineering and Capital Projects department;

Authorizing the expenditure of an amount not to exceed \$400,000 from Water
Fund No. 41500 and \$1,100,000 from Sewer Fund No. 41506;

Authorizing the City Auditor and Comptroller, upon advice from the
administering department, to transfer excess budgeted funds, if any, to the
appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

A short list of six "As Needed" consulting engineering firms was requested on February 23,
2000, from the Consultant Selection Coordinator. The consulting engineering firms will provide
Planning and Design of Sewer and Water Group Jobs services. The Consultant Nominating
Committee nominated the most qualified six consulting engineering firms to participate in the

selection process. In conformance with Council Policy 300-7, these firms were interviewed on June 29, 2000, and the firm of Berryman and Henigar, Inc., was selected as one of the two best qualified firms to provide the "As-Needed" two years consultant services. The negotiated agreement with the second consultant will be presented with a separate Council action. The services will include all allocated work to prepare complete planning and design packages for water and sewer group jobs. The sub-consultants on this project are Haley and Aldrich, Inc., Simon Wong Engineering, M.J. Schiff and Associates, Inc., and RECON. The agreement provides for planning and design of sewer and water group jobs by task on an hourly basis not to exceed \$200,000 per task. The total contract cost shall not exceed \$1,500,000 for a period of two (2) years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement will be \$1,500,000. Funding of \$400,000 is available from Water Fund 41500 and \$1,100,000 from Sewer Fund 41506 for this purpose.

Belock/Boekamp/HR

Aud. Cert. 2100457.

WWF-01-477.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-210: Lease Approval - GTE Wireless of the Pacific, Inc. at Los Penasquitos Open Space Park.

(Rancho Penasquitos Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-588) ADOPTED AS RESOLUTION R-294134

Authorizing the execution of a ten-year lease agreement with GTE Wireless of the Pacific, Inc. for the construction and operation of a telecommunications facility to be located at West Rancho Penasquitos Open Space Park.

CITY MANAGER SUPPORTING INFORMATION:

The proposed GTE Wireless of the Pacific, Inc. facility consists of a total of twelve (12) omni-directional antennas and one Global Positioning Satellite (G.P.S.) antenna mounted on a 20' high brown "trunked" monopalm, a 2.5-square-foot GTE equipment cabinet on a concrete pad and connecting cables to be located adjacent to an existing Airtouch Cellular facility building. Four new palm trees will be located around the monopalm, ranging in height from 10' to 30' forming a small grove. The proposed site is located on a small knoll south of and above SR-56, east of Black Mountain Road and north of the Maranantha Church. The site is designated open space with a SDG&E easement.

Basic terms of the agreement are as follows:

USE - To construct, maintain, repair, alter and operate a wireless telecommunications facility consisting of antennas, power and radio communications equipment, and cabling.

TERM - Ten (10) years.

RENT - Minimum rent is one thousand two hundred dollars (\$1,200) per month with annual 5 percent rent increases, and reappraisal at year 5. This value is consistent with a recent outside appraisal dated August 2000.

PRIOR APPROVALS:

Los Penasquitos Recreation Council
Northern Area Committee
Design Review Committee
Park and Recreation Board
Planning and Development Review

FISCAL IMPACT:

The City will receive \$14,400 in the first year of the lease with annual 5 percent rent increases, and reappraisal at year 5. Rental Proceeds generated will be credited to the Park and Recreation Department's General Fund budget.

Loveland/Griffith/JPA

FILE LOCATION: LEAS-GTE Wireless of the Pacific, Inc.

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-211: Two actions related to Lease Agreement - Dana Inn and Marina.

(See City Manager Report CMR-00-234. Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

Subitem-A: (R-2001-763) ADOPTED AS RESOLUTION R-294161

Authorizing the City Manager to execute a 50-year lease agreement with Bartell Hotels for the lease of the Dana Inn and Marina in Mission Bay Park.

Subitem-B: (R-2001-769) ADOPTED AS RESOLUTION R-294162

Certifying that Mitigated Negative Declaration LDR-40-0048 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a new lease with Bartel Hotels dba Dana Inn and Marina;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project in order to mitigate or avoid significant effects on the environment.

FILE LOCATION: Subitems A & B: LEAS-Bartell Hotels for Dana Inn and Marina in Mission Bay Park

COUNCIL ACTION: (Tape location: D100-660.)

MOTION BY WEAR TO ADOPT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-nay, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-212: Formation of a Non-Residential Parking Permit Program in the City Heights Urban Village Project Area.

(See City Manager Report CMR-00-237. City Heights Community Planning Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-696) ADOPTED AS AMENDED AS RESOLUTION R-294163

Establishing a Non-Residential Parking Permit Program adjacent to the Mid City Continuing Education Center and authorizing the execution of an operating agreement with the San Diego Community College District related thereto.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D661-E237.)

MOTION BY WEAR TO ADOPT THE RESOLUTION APPROVING THE CITY MANAGER'S RECOMMENDATION WITH THE PARKING SPACE CHANGES THAT HAVE BEEN OUTLINED IN COUNCIL MEMBER KEHOE'S MEMORANDUM, DATED NOVEMBER 13TH, 2000 TO DO THE FOLLOWING: 1) AUTHORIZE THE CITY MANAGER TO TAKE ADDITIONAL ACTIONS AS NECESSARY TO MITIGATE THE PARKING DEMAND TO INCLUDE DESIGNATING ADDITIONAL TWO HOUR RESTRICTED PARKING ADJACENT TO THE CITY HEIGHTS URBAN VILLAGE PARK, DESIGNATE EMPLOYEE PARKING SPACES, AND ADD DIAGONAL PARKING EAST OF 44TH STREET ON WIGHTMAN; 2) DIRECT THE CITY MANAGER TO EXPLORE ADDING PARKING SPACES TO THE TRANSWEST OFFICE AND TOWNHOME PROJECT BY USING TAX INCREMENT FUNDING AND SAN DIEGO COMMUNITY COLLEGE DISTRICT FUNDING; AND 3) DIRECT THE CITY MANAGER TO RETURN TO THE CITY COUNCIL WITH A COMPREHENSIVE TRAFFIC AND PARKING PLAN FOR THE CITY HEIGHTS URBAN VILLAGE WITHIN 60 DAYS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-213: HEARING HELD, REFERRED TO CLOSED SESSION ON NOVEMBER 15, 2000 AT 10 A.M.

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: APN-307-040-73 (37.2 acres in Carmel Valley)
APN-307-041-32 (1.6 acres in Carmel Valley)

City Negotiator: City Manager and Will Griffith, Director of Real Estate Assets

Negotiating Parties: Clews Family

Under Negotiation: Price and terms of sale

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on November 14, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E437-F283.)

ITEM-330: Greystone Torrey Highlands.

(Subitem A on today's docket was continued from the meeting of October 24, 2000, Item 336e, at the request of Councilmember Mathis, to allow the Planned Residential Development Permit to come back as part of the second reading of this item.

Subitem B was introduced at a previous meeting, ready for dispensing with the reading and adoption.)

Matter of a proposed 108 acre site requiring a Community Plan Amendment to redesignate a portion of a high school site and a portion of a residential area to commercial use and a rezone from A1-10 and HRO to R-1500 (RM-2-5), R1-5000 (RS-1-14), CA (CC-1-3) and CN (CN-1-2) to enable the development of 235 single-family residences, an affordable housing site for 76 attached dwelling units, 2-commercial lots for limited development, 2-open space lots and 6-lots for Homeowners Association maintenance, located generally on the north and south side of the proposed alignment of State Route 56 and on the west and east sides of the proposed Camino Ruiz within the Torrey Highlands Subarea IV planning area.

(TM/PRD/RPO/PCD/RZ/CPA 98-0392. Torrey Highlands Subarea IV Community Plan area. District- 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A;

Subitem-A: (R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-294135

Adoption of a Resolution granting or denying a Planned Residential Development Permit.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance in subitem B, which was introduced on October 24, 2000.
(Council voted 8-0, Councilmember Wear not present):

Subitem-B: (O-2001-76) ADOPTED AS ORDINANCE O-18883 (NEW SERIES)

Rezoning 108 acres located generally on the north side of the proposed State Route 56 and the east side of the proposed alignment of Camino Ruiz, in the Torrey Highlands Subarea IV Plan area, in the City of San Diego, California, from the A1-10 and Hillside Review Overlay (HRO) Zones to the R1-5000, R-1500, CN, CA, and HRO Zones, as defined by San Diego Municipal code section 101.0407, 101.0410, 101.0428, and 101.0454; and repealing Ordinance No. O-8858 (New Series) adopted July 18, 1963, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission serves as Planning Group.

This is a matter of Citywide effect.

The following community group has taken a position on the item: Rancho Penasquitos Planning Group has recommended approval on the project.

SUPPORTING INFORMATION:

This project proposes the subdivision and development of a 108 acre land area into 246-lots for 235 single family residences, a 76-unit affordable housing site, 2-commercial lots, open space and HOA maintained common areas and Right-of-Way for State Route 56. An amendment of the Progress Guide and General Plan and Torrey Highlands Subarea IV Plan is required to redesignate a portion of a site not acquired by the high school and a portion of a residential site adjacent to another initiated plan amendment (by others) to commercial use. A Resource Protection Ordinance and Planned Residential/Planned Commercial Development Permit would regulate subsequent buildout of the project components.

The Planning Commission is the planning group for this plan area which lies adjacent to the western edge of Rancho Penasquitos. The Rancho Penasquitos Planning Group has been kept informed of the projects progression and, at their meeting of October 4, 2000, voted 8-1-1 to recommend approval of the project subject to conditions that staff has incorporated into the project permit.

The project is scheduled for Planning Commission consideration on Thursday, October 12, 2000, with scheduling for City Council reserved on the Tuesday, October 24, 2000, agenda. City staff has been responding to interested parties and expect to address all concerns expressed at the Planning Commission Hearing.

City staff will prepare a supplemental memo for the City Council to provide information as to the Planning Commission's recommended action to the City Council, on any opposition presented or other matters of importance.

The City Manager recommends that the City Council adopt the Rezone Ordinance, approve the Progress Guide and General Plan and Torrey Highlands Subarea IV Plan Amendments, approve the Tentative Map, approve the Resource Protection Ordinance and Planned Residential/Planned Commercial Development Permits No. 98-0392. The City Council must first Certify the Mitigated Negative Declaration, LDR No. 98-0392 and adopt the MMRP.

FISCAL IMPACT:

None.

Loveland/Christiansen/RMK

LEGAL DESCRIPTION:

The property is in the southeast portion of the Torrey Highlands Subarea (Subarea IV of the former North City Future Urbanizing Plan Area) between Entreken Way and Sundance Avenue with the western portion of the property crossed by the future Camino Ruiz between Black Mountain Road and the future State Route 56 Freeway, and is more particularly described as a portion of Parcels A and B, all of Parcel C, portion of D and all of Parcel Map PM-5577).

Hearing began at 11:30 a.m. and halted at 11:45 a.m.

FILE LOCATION: Subitems A,B: PERM-98-0392 (65)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT GRANTING THE PERMIT AND REZONE. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-331: Two actions related to Carmel Valley FY 2001 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-00-215; Public Facilities Financing Plan and FBA, Fiscal Year 2001, September 2000 Draft. Carmel Valley Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2001-411) ADOPTED AS RESOLUTION R-294136

Designating an area of benefit in Carmel Valley and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Carmel Valley Facilities Benefit Assessment Area.

Subitem-B: (R-2001-412) ADOPTED AS RESOLUTION R-294137

Declaring that the assessment fee schedule contained in the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2001, as adopted and approved on October 23, 2000, by Resolution No. R-294034, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Carmel Valley Community;

Declaring that the Docket Supporting Information and the text contained in the Carmel Valley Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/18/2000, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Wear, Kehoe, and Stevens voted yea. Councilmembers Blair and McCarty not present.)

Hearing began at 11:30 a.m. and halted at 11:45 a.m.

FILE LOCATION: Subitems A,B: STRT-FB-8 (33)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-332: Three actions related to Del Mar Mesa FY 2001 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-00-182; Public Facilities Financing Plan and FBA, Fiscal Year 2001, August 2000 Draft. Del Mar Mesa Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2001-402) ADOPTED AS RESOLUTION R-294138

Designating an area of benefit in Del Mar Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Del Mar Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2001-403) ADOPTED AS RESOLUTION R-294139

Declaring that the assessment fee schedule contained in the Del Mar Mesa Public Facilities Financing Plan, Fiscal Year 2001, as adopted and approved on October 2, 2000, by Resolution No. R-293896, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Del Mar Mesa Specific Plan Area;

Declaring that the Docket Supporting Information and the text contained in the Del Mar Mesa Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-C (R-2001-404) ADOPTED AS RESOLUTION R-294140

Amending the Del Mar Mesa Transportation Phasing Plan, included in the Del Mar Mesa Public Facilities Financing Plan (August 2000), by adding Phase 1B, allowing the development of 150 dwelling units with access via Carmel Mountain Road prior to satisfaction of Phase 2, which requires assurance of Improvements 8 and 9.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/20/2000, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Wear, Kehoe, Stevens, and McCarty voted yea.)

Hearing began at 11:30 a.m. and halted at 11:45 a.m.

FILE LOCATION: Subitems A,B,C: STRT-FB-16 (33)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-333: Four actions related to Otay Mesa FY 2001 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-00-216; Public Facilities Financing Plan and FBA, Fiscal Year 2001, October 2000 Draft. Otay Mesa Community Area. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2001-601) ADOPTED AS RESOLUTION R-294141

Designating an area of benefit in Otay Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects,

the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Otay Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2001-602) ADOPTED AS RESOLUTION R-294142

Declaring that the assessment fee schedule contained in the Otay Mesa Public Facilities Financing Plan, Fiscal Year 2001, as adopted and approved on October 23, 2000, by Resolution No. R-294036, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Otay Mesa Community;

Declaring that the Docket Supporting Information and the text contained in the Otay Mesa Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-C: (R-2001-603) ADOPTED AS RESOLUTION R-294143

Authorizing the expenditure of an amount not to exceed \$1,875,000 in cash or Facilities Benefit Assessment credits from Development Impact Fee [DIF]/Facilities Benefit Assessment [FBA] Funds 39067/79014 to Pardee Construction Company for Ocean View Neighborhood Park No. 1, pursuant to the Reimbursement Agreement (Document No. RR-292665, adopted on January 18, 2000), contingent upon the City Auditor and Comptroller certifying that the funds necessary for reimbursement under the agreement are, or will be, on deposit in the City Treasury;

Directing the City Auditor and Comptroller to release from encumbrance certain funds previously encumbered through Auditor's Certificate AC 2000688, issued January 20, 1999, in connection with Council approval of a reimbursement agreement with Pardee Construction Company for the acquisition, design, and construction of the Dennery Ranch Neighborhood Park. In accordance with the terms of the Dennery Ranch Neighborhood Park Reimbursement Agreement, it is anticipated that funds may be appropriated and encumbered no earlier than year 2002 for the Dennery Ranch Neighborhood Park, a project lower on the FBA priority list than either the Ocean View Hills Neighborhood Park No. 1 project or the Otay Valley Road project.

Subitem-D: (R-2001-604) ADOPTED AS RESOLUTION R-294144

Authorizing the expenditure of an amount not to exceed a total of \$352,500 in cash or Facilities Benefit Assessment credits from Development Impact Fee [DIF]/Facilities Benefit Assessment [FBA] funds (\$88,125 from DIF/FBA 39067/79014; and \$264,375 from DIF/FBA 39062/79013) to Greystone Homes, Inc. (Lennar Communities), for the design and construction of New Heritage Road (Otay Valley Road), pursuant to the Reimbursement Agreement (Document No. RR-293869, adopted on October 2, 2000), contingent upon the City Auditor and Comptroller certifying that the funds necessary for reimbursement under the agreement are, or will be, on deposit in the City Treasury;

Declaring that the Reimbursement Agreement authorizes developer reimbursement, subject to availability of funds, with DIF/FBA cash or FBA credits for costs incurred prior to and following the approval of the Reimbursement Agreement in connection with the qualifying improvements. New contracts let in connection with qualifying improvements following approval of the Reimbursement Agreement are subject to the public bidding requirements of the Reimbursement Agreement.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/18/2000, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Wear, Kehoe, and McCarty voted yea. Councilmembers Stevens and Blair not present.)

Hearing began at 11:30 a.m. and halted at 11:45 a.m.

FILE LOCATION: Subitems A,B,C,D: STRT-FB-6 (33)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-334: Two actions related to Mira Mesa FY 2001 Public Facilities Financing Plan and
Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-00-183; Public Facilities Financing Plan and
FBA, Fiscal Year 2001, August 2000 Draft. Mira Mesa Community Area.
District-5.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2001-407) ADOPTED AS RESOLUTION R-294145

Designating an area of benefit in Mira Mesa and the boundaries thereof,
confirming the description of Public Facilities Projects, the Community Financing
Plan and Capital Improvement Program with respect to Public Facilities Projects,
the method for apportioning the costs of the Public Facilities Projects among the
parcels within the area of benefit and the amount of the Facilities Benefit
Assessments charged to each such parcel, the basis and methodology for assessing
and levying discretionary automatic annual increases in Facilities Benefit
Assessments, and proceedings thereto, and ordering of proposed Public Facilities
Project in the matter of Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2001-408) ADOPTED AS RESOLUTION R-294146

Declaring that the assessment fee schedule contained in the Mira Mesa Public
Facilities Financing Plan, Fiscal Year 2001, as adopted and approved on October
2, 2000, by Resolution No. R-293898, is an appropriate and applicable
development impact fee schedule [DIF] for all properties within the Mira Mesa
Community Planning Area;

Declaring that the Docket Supporting Information and the text contained in the Mira Mesa Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/20/2000, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Wear, Kehoe, Stevens, and McCarty voted yea.)

Hearing began at 11:30 a.m. and halted at 11:45 a.m.

FILE LOCATION: Subitems A,B: STRT-FB-12 (33)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-335: International Gateway of The Americas.

Matter of approving, conditionally approving, modifying or denying an application to construct a 654,830 square-foot commercial development consisting of retail and restaurants on a 57.25 acre site. The property is located south of Camino De La Plaza, west of Virginia Avenue and north of the Tijuana River in the San Ysidro Community Plan Area, within the San Ysidro Planned District in Council District 8.

The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this project will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

(TM/CDP/SDP/ST.VAC/CPA-40-0338. San Ysidro Community Plan area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B; and adopt the resolution in subitem C to grant the tentative map and approve street vacations; and adopt the resolution in subitem D to grant the permit:

Subitem-A: (R-2001-727) CONTINUED TO TUESDAY, NOVEMBER 21, 2000

Adoption of a Resolution stating for the record that the final Environmental Impact Report certified on April 2, 1996 and the final Mitigated Negative Declaration certified on May 12, 1998 have been reviewed and considered prior to approving the project, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the International Gateway of the Americas project.

Subitem-B: (R-2001-728) CONTINUED TO TUESDAY, NOVEMBER 21, 2000

Adoption of a Resolution of the Council of the City of San Diego approving amendments to the San Ysidro Community Plan, the Progress Guide and General Plan, and The Local Coastal Program for the International Gateway of the Americas Project.

Subitem-C: (R-2001-) CONTINUED TO TUESDAY, NOVEMBER 21, 2000

Adoption of a Resolution granting or denying Tentative Map, TM-40-0338 and pursuant to California Government Code sec. 66434(g), portions of Boston Avenue, Willow Road, New York Avenue, New Orleans Avenue, National Avenue, Louisiana Avenue, Tia Juana Street and alleys located as shown in Tentative Map, TM-40-0338, shall be vacated, contingent upon the recordation of the approved map for the project.

Subitem-D: (R-2001-) CONTINUED TO TUESDAY, NOVEMBER 21, 2000

Adoption of a Resolution granting or denying Coastal Development Permit and Site Development Permit.

OTHER RECOMMENDATIONS:

Planning Commission voted 5 - 0 to approve; no opposition.

Ayes: Garcia, Butler, Brown, Skorepa, Steele

Nays: 0

Not present: Stryker, Anderson

The San Ysidro Planning and Development Group has recommended approval of this project.

SUPPORTING INFORMATION:

The subject project proposes the demolition of approximately 18,425 square-feet of existing commercial residential developments and the construction of 654,830 square-feet of commercial development. The project site is located south of Camino De La Plaza, west of Virginia Avenue and north of the Tia Juana River and is within the Coastal Zone, Coastal Height Limit Zone, CT 2-3 Zone, the San Ysidro Planned Development District and within the San Diego Redevelopment area. The site is designated border commercial in the San Ysidro Community Plan.

The 57.25 acre site will be subdivided into 17 lots plus one remainder lot. The vacation of various streets and alleys is included within the proposed subdivision. The amendment to the Progress Guide and General Plan, the Local Coastal Program Land Use Plan and the Community Plan is necessary for the deletion of Tia Juana Street and a bikeway along Tia Juana Street from the circulation element of the Community Plan within the subdivision boundaries to accommodate the proposed International Gateway commercial project. Refer to Planning Commission Report Number P-00-196-PC (attachment 1) for additional information regarding the details of this project.

On May 12, 1998, the Redevelopment Agency entered into a Disposition and Development Agreement (DDA) for this project along with a second phase of the project. Subsequent to the DDA, on February 22, 2000, the Agency entered into the First Implementation Agreement to the DDA which provided for the commencement of the retail portion phase one of the overall project which is discussed in this report. On November 14, 2000, a Second Implementation Agreement (see Redevelopment Agency Report Number RA-00-19) and a Cooperation Agreement will be proposed to the City Council for approval to amend the Agreements to revise

the Scope of Development to add certain off-site public improvements. These improvements are proposed to be constructed by the Developer and/or the Agency in connection with development of the site, to change the phasing of construction of certain off-site public improvements, and to make other changes deemed appropriate by the parties. If the Redevelopment Agency's recommendations are approved, staff will ensure that the Coastal Development/ Site Development and Tentative Map conditions reflect the changes identified in the Agreements.

FISCAL IMPACT:

None.

Loveland/Christiansen/LJM

LEGAL DESCRIPTION:

The project site is more particularly described as being located south of Camino De La Plaza, west of Virginia Avenue, and north of the Tia Juana River in the Coastal Zone, Coastal Height Limit Zone, CT 2-3 Zone, and in the commercial zone of the San Ysidro Planned Development District of the San Ysidro Community Plan, and is more particularly described as those portions of the east half of the east half of Lot 1 of Section 2. Township 19 South, Range 2 West SBM, plus the west half of the west half of Lot 4 of Section 1, Township 19 South, Range 2 West SBM, plus Lot A of Map 13372, plus Parcel 1 of P. M. 11307, plus Lot 2 of P.M. 8940, plus all of blocks 11-14, plus portions of block 15 and 16 south of Camino De La Plaza and the portions of blocks 25-30 and lots 9, 10 and 11 of Map 562-refiled north of the Flood Control Channel described in Orders of Condemnation File 79-363927 O.R. 8-29-79, File 79-527564 O.R. and File 79-527565 O.R., and the north half of Tia Juana Street between the center of Virginia Avenue and Camiones Way as shown on Record of Survey 14733.

FILE LOCATION: Subitems A,B,C,D: LAND-Progress Guide and General Plan San Ysidro Community Plan-International Gateway of the America's (09)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, NOVEMBER 21, 2000 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-336: La Jolla Commons.

Matter of approving, conditionally approving, modifying or denying a 327 room, fifteen story hotel, 115 unit, thirty-two story condominium, 450,000 square foot, twenty story office building, 30,000 square foot, two story scientific research building and separate eight level parking structure development, the construction of a portion of Judicial Drive, Nexus Center Drive, and Executive Drive, construction of four west-bound lanes and a bike lane within La Jolla Village Drive from Judicial Drive to the Interstate 805 interchange, and other improvements in the public right-of-way. The site is generally located east of the planned extension of Judicial Drive, south of Nexus Center Drive, north of La Jolla Village Drive and west of Interstate 805 in the existing R1-5000 (proposed CV and SR) zone of the University Community Plan area. VTM 99-0762 (La Jolla Commons)

(99-0762. University Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems B and C; adopt the resolution in subitem D to grant the map; adopt the resolution in subitem E to grant the permit; and introduce the ordinance in subitem A:

Subitem-A: (O-2001-84) INTRODUCED, RECONSIDERED, AND
INTRODUCED, TO BE ADOPTED ON NOVEMBER 27,
2000

Introduction of an Ordinance changing 16.89 acres, located between La Jolla Village Drive and Nexus Center Drive, in the University Community Plan area, from the R1-5000 zone to the CV and SR zones, as defined by San Diego Municipal Code Sections 101.0426.1 and 101.0434; and repealing Ordinance No. 13455 (Old Series), adopted February 15, 1932, of the ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (R-2001-736) ADOPTED, RECONSIDERED, AND ADOPTED AS
RESOLUTION R-294147

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR No. 99-0762 has been completed in compliance with the California Environmental Quality Act of 1970 and State

CEQA Guidelines; stating for the record that said EIR has been reviewed and considered by the Council prior to approving the project; and reflects the independent judgment of the City of San Diego as Lead Agency; adopting the Findings and Statement of Overriding Considerations; and adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-C: (R-2001-737) ADOPTED, RECONSIDERED, ADOPTED AS
RESOLUTION R-294148

Adoption of a Resolution approving the Progress Guide and General Plan Amendment/Community Plan Amendment.

Subitem-D: (R-2001-) ADOPTED, RECONSIDERED, AND GRANTED
MAP/ADOPTED AS RESOLUTION R-294149

Adoption of a Resolution granting or denying Vesting Tentative Map 99-0762, with appropriate findings to support Council action.

Subitem-E: (R-2001-) ADOPTED, RECONSIDERED, AND GRANTED
PERMIT/ADOPTED AS RESOLUTION R-294150

Adoption of a Resolution granting or denying Planned Commercial Development/Resource Protection Ordinance Permit No. 99-0762, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on October 19, 2000 voted 6 - 0 to approve; was opposition.

Ayes: White, Anderson, Brown, Butler, Skorepa, Stryker

Not present: Steele

The University Community Planning Group has recommended denial of the project.

SUPPORTING INFORMATION:

La Jolla Commons proposes to develop a 327 room, fifteen story hotel, 115 unit, thirty-two story condominium, 450,000 square foot, twenty story office building, 30,000 square foot, two story scientific research building and separate eight level parking structure development, the

construction of a portion of Judicial Drive, Nexus Center Drive, and Executive Drive, construction of four west-bound lanes and a bike-lane within La Jolla Village Drive from Judicial Drive to the Interstate 805 interchange, and other improvements in the public right-of-way in the University Community Plan area.

The University Community Planning Group, voted 12:6:0 on August 8, 2000, to recommend denial of the project. Staff requested minutes of the meeting yet these have not been received.

The Planning Commission on October 19, 2000, voted 6:0:0 to:

1. Adopt the staff recommendation; 2. Revise Tentative Map condition #11 to indicate the term of the affordable housing agreement to be fifty-five years versus thirty years; 3. All condominium and office owners be provided a disclosure advising of the properties proximity to Miramar Flight path; 4. Prior to issuance of any occupancy permit, the Owner/Permittee shall submit, for review and approval, a Transportation Demand Management Program, with more than bike racks and sidewalks, to the satisfaction of the City Manager; 5. To encourage the applicant to utilize "green building technology" in the project design and construction where feasible; 6. Add a footnote to the University Community Plan indicating the transfer of ADTs from the Regents Park site to the La Jolla Commons site; and 7. Add to the Findings and Statement of Overriding Considerations: because the project is superior planning and architecture, landscaping, a building pattern established in the community and continuation of that pattern, provision of public open space, pedestrian connection, provision for the Light Rail Transit stop, addition of employment space demanded in the market.

The City Staff recommends certification of the Environmental Impact Report LDR No. 99-0762; adoption of the Findings and Statement of Overriding Considerations; and adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all impacts of the project as identified in the EIR where feasible; adoption of the rezone ordinance and approval of the Progress Guide and General Plan Amendment, Community Plan Amendment, Vesting Tentative Map, Planned Commercial Development, Resource Protection Ordinance Permit No. 99-0762 with all conditions recommended by the Planning Commission.

FISCAL IMPACT:

None.

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is generally bound by the planned extension of Judicial Drive to the west, Nexus Centre Drive to the north, approximately nine acres of vacant land to the east, and La Jolla Village Drive to the south. The site is bisected by the partially-improved east-west extension of Executive Drive which terminates approximately midway through the site. The La Jolla Commons project is within the University Community Planning Area and is more particularly described as being a portion of Pueblo Lot No. 1307, Map No. 36.

FILE LOCATION:

Subitem A: NONE.

Subitems B,C,D&E: Land-Progress Guide and General Plan/University Community Plan-La Jolla Commons (09)

COUNCIL ACTION:

(Tape location: B485-C058; D005-025; F284-H530.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE IN SUBITEM A; ADOPT THE RESOLUTIONS IN SUBITEMS B AND C; ADOPT THE RESOLUTION IN SUBITEM D TO GRANT THE MAP; ADOPT THE RESOLUTION IN SUBITEM E TO GRANT THE PERMIT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

Hearing began at 11:30 a.m. and recessed at 11:45 a.m.

Hearing began at 2:11 p.m. and recessed at 2:12 p.m.

Hearing resumed at 3:52 p.m. and halted at 5:33 p.m.

Testimony in opposition by Herbert Handy, Patti Colburn, and Jesse Knighton.

Testimony in favor by Gordon Mackenzie, Allen Haynie, Gerald Trimble, Mark Burns, Alice Tara, Maril Hamilton, Ron Miller, Pat Rohan, Brian Riley, Rod Stone, and Eve Hager.

MOTION BY McCARTY TO RECONSIDER TO ALLOW PEOPLE TO SPEAK. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

MOTION BY WEAR TO ADOPT RESOLUTIONS IN SUBITEMS B AND C; ADOPT THE RESOLUTION IN SUBITEM D TO GRANT THE MAP; ADOPT THE RESOLUTION IN SUBITEM E TO GRANT THE PERMIT; INTRODUCE THE ORDINANCE IN SUBITEM A; AND DIRECT CITY STAFF TO DO THE FOLLOWING:

- 1) INCLUDE A CONDITION THAT THE IMPROVEMENTS OF THE PROJECT BE DONE BY ENGINEERING PERMIT;
- 2) PUT TOGETHER PLANS OF THE GROWTH DEVELOPMENT IN THE NORTH CITY AREA AND BRING IT TO COUNCIL FOR DISCUSSION; AND
- 3) COMPILE A LIST OF SUGGESTIONS FROM MTDB, CITY STAFF AND MR. ALLEN HAYNIE REGARDING WHAT EMPLOYERS CAN DO AND AS MR. HAYNIE IS WORKING WITH THESE TENANTS, THAT HE MAKE A RIGOROUS EFFORT TO INSTILL IN THEM THE IMPORTANCE OF GETTING ON BOARD AND DOING THIS PROJECT. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-nay, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-337: San Diego Youth and Community Services Emergency Youth Shelter.

Matter of approving, conditionally approving, modifying or denying a Conditional Use Permit to allow for the operation of a 17-bed emergency youth shelter located within an existing building at 3427 4th Avenue.

(CUP- 40-0766. Uptown Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to grant the permit:

(R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-294151

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

In accordance with Municipal Code Section 112.0509(b), a Planning Commission recommendation shall not be applicable to transitional housing facilities.

On October 3, 2000, the Uptown Planner's Association voted 10-0-2 to recommend approval of the Conditional Use Permit for the San Diego Youth and Community Services - Emergency Shelter for Homeless Youth.

The San Diego Youth and Community Services Inc. (SDYCS) has applied for a Conditional Use Permit to re-locate a 17-bed emergency shelter for youth to an existing building located at 3427 4th Avenue. This existing facility is an 8,300 square-foot, two-story commercial building which has been occupied over the past 25 years by the U.C.S.D. Department of Psychiatry as an outpatient counseling clinic. San Diego Youth & Community Services (SDYCS) has operated its Storefront facility at 1039 12th Avenue in Downtown San Diego for the past 12 years, but must relocate due to redevelopment efforts in the Center City East area of downtown, and a change in the building's ownership. The proposed facility would provide emergency shelter for youth ages 12-17, with on-site and off-site support services. The average number of youth at the facility on a given night is 8-10. Youth stay at the shelter for any where between 1 night to 2 months while arrangements are being made to place them in a more structured residential program.

FISCAL IMPACT:

None.

Loveland/Haase/MW

LEGAL DESCRIPTION:

The project site is located at 3427 4th Avenue in the NP-1 zone of the Mid-City Planned District of the Uptown Community Plan Area, and is more particularly described as Lot 1, Block 6 of Loma Grande Subdivision, Map 692.

Hearing began at 11:30 a.m. and halted at 11:45 a.m.

FILE LOCATION: PERM-40-0766 (65)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR ADOPT. Second by McCarty. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-338: Westin Park Place Hotel.

Matter of the appeal of San Diego Hotel Company, LLC, from the decision of the Planning Commission in approving with conditions an application for a 40 unit condominium tentative map in conjunction with a 511 room hotel complex to be developed in accordance with Centre City Development Corporation Development Permit No. 99-0491 on a parcel containing 47,300 square feet located on the south side of "L" Street between 6th and 7th Avenues in the East Village District of the Expansion Sub-Area of the Centre City Community Plan area. TM-40-0330 (Westin Park Place Hotel)

(TM-40-0330. Centre City Community Plan area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; and adopt the resolution in subitem B to deny the appeal and grant the map:

Subitem-A: (R-2001-752 Cor. Copy) ADOPTED AS RESOLUTION R-294152

Adoption of a Resolution stating for the record that the information contained in the Final Master Environmental Impact Report for the Centre City Redevelopment Project [MEIR] previously certified by City Council and Redevelopment Agency (Resolution No. R-279875 and Resolution No. 2081, respectively) and the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project previously certified by the City Council and the Redevelopment Agency (Resolution No. R-292369 and R-03066, respectively) has been reviewed and considered by the Council in connection with the consideration and approval of Tentative Map TM-40-0330 for the development of the Westin Park Place Hotel and that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review.

Subitem-B: (R-2001-) ADOPTED AS RESOLUTION R-294153

Adoption of a Resolution granting or denying the appeal and granting or denying
Tentative Map TM-40-0330, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on September 14, 2000 voted 4 - 0 to approve staff's
recommendation; noted for the record was the receipt of a letter from the Law Offices of
Worden, Williams, Richmond, Brechtel and Gibbs in opposition to this project.

Ayes: White, Stryker, Anderson, Brown

Abstaining: Steele

Not present: Skorepa, Butler

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

The proposed application package would allow for the construction of 40 condominium units
within an accompanying 511 room hotel complex located in the Sports Entertainment District of
the East Village District on the south side of "L" Street between 6th and 7th Avenues, just west of
the proposed Ballpark. In October of 1999 the Centre City Development Corporation (CCDC)
approved Centre City Development Permit 99-0491 which established the land uses and design
guidelines for a mixed use project. The Planning Commission on September 14, 2000 approved
a tentative map that would permit the creation of 40 residential condominium units within the
hotel complex.

The owners of the Clarion Bay View Hotel, located to the northwest of the proposed project,
have filed an appeal siting the ongoing litigation with the City of San Diego over the adequacy of
the environmental review and redevelopment procedures conducted on the Ballpark and
Ancillary Development projects, which includes this project.

Due to the pending litigation our City Attorneys have responded to the appellants issues as
follows: Response to objections (1) through (7), inclusive- the City disagrees with each
contention. For a comprehensive explanation of the City's position in this regard, please see the
pleading and briefs on file with the Superior Court and Fourth District Court of Appeal in the
companion cases of San Diego Hotel Company v. Redevelopment Agency, et al., 4 Civil No.
D035673 (Superior Court Case No. 739330) and San Diego Hotel Company v Redevelopment
Agency, et al., 4 Civil No. D035570 (Superior Court Case No. 740880)

Response to objections (8) and (9)- the allegations made in these objections are speculative only and present no legal reason why matters relevant to TM-40-0330 cannot proceed.

The City Manager therefore recommends DENIAL of the appeal and APPROVAL of TM-40-0330.

FISCAL IMPACT:

None. All costs associated with this project are recovered from a deposit provided by the applicant.

LEGAL DESCRIPTION:

The project site is located south of L Street and east of 6th Avenue, and is more particularly described as Lots A, B, I, J, K, L together with portions of Lots C, D, E, G and H of fractional Block 145 in Horton's Addition and a portion of vacated 6th Avenue, in the SED Zone.

NOTE: The Redevelopment Agency of the City of San Diego as Lead Agency under CEQA has reviewed and completed a Subsequent EIR in conjunction with Centre City Development Permit No. 99-0491, dated October 26, 1999, covering this activity.

Hearing began at 11:30 a.m. and halted at 11:45 a.m.

FILE LOCATION: PERM-40-0330 (65)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-ineligible, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-339: Acquisition and Rehabilitation Loan Agreement - Episcopal Community Services (2822 Fifth Avenue).

(See memorandum from Centre City Development Corporation dated 9/28/2000. Horton Plaza Redevelopment Project. District-3.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-626) CONTINUED TO TUESDAY, NOVEMBER 21, 2000

Determining that the use of Funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund to purchase property located at 2822 Fifth Avenue will be of benefit to the Horton Plaza Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of November 14, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B306-484.)

CONSENT MOTION BY WEAR TO CONTINUE TO TUESDAY, NOVEMBER 21, 2000 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-340: Acquisition and Rehabilitation Loan Agreement - San Diego Youth and Community Services (SDYCS).

(See memorandum from Centre City Development Corporation dated 9/25/2000. Horton Plaza Redevelopment Project Planning Area. District-3.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-616) ADOPTED AS RESOLUTION R-294154

Making certain findings that the use of funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund to purchase property located at 3427 Fourth Avenue will be of benefit to the Horton Plaza Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of November 14, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-341: Approval of an Owner Participation Agreement with Market Creek Partners, LLC.

(See Southeastern Economic Development Corporation's Report SEDC-00-029. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2001-399) ADOPTED AS RESOLUTION R-294155

Approving the owner participation agreement with Market Creek Partners, LLC, located on Euclid Avenue, south of Market Street.

NOTE: See the Redevelopment Agency Agenda of November 14, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-342: Vacation of a street reservation in Lots 14 and 15 of Map 12202.
(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-447) ADOPTED AS RESOLUTION R-294156

Vacating the street reservation easement in Lots 14 and 15 of Map 12202, as shown on Drawing No. 19187-B, and described in the legal description marked as Exhibit "A".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a street reservation in Lots 14 and 15 of International Business Center. This is located in the Community of Otay Mesa in Council District No. 8. The strip of land to be vacated leads to a parcel of land owned by the Federal Government. The Federal Government has agreed to the vacation, conditioned that an easement is granted for ingress and egress in order for the Border Patrol to monitor the Borderline with Mexico. This easement has been granted and recorded. There are no present or future plans to develop the subject portion of the street reservation. The owner wishes to develop the land and use the vacated portion for general parking and private access to the site. The street reservation to be vacated was acquired at no cost to the City. City staff recommends approval of the vacation of the street reservation.

Loveland/Haase/AA

Hearing began at 11:30 a.m. and halted at 11:45 a.m.

FILE LOCATION: STRT-J-2918 (39)

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-350: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Carmel Mountain Ranch Unit 23A-4
Empire Centre Parcel 3
Torrey Pines Summit
Torrey Reserve Unit No. 2
Corporate Research Park

Carmel Mountain Ranch
Otay Mesa
Carmel Valley Community
Sorrento Hills Community
Mira Mesa Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-351: Settlement of the Personal Injury Claims of Ramon Jodar, et al.

(R-2001-666)

Adopted as Resolution R-293989.

A Resolution approved by the City Council in Closed Session on Tuesday, October 17, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-not present; Blair-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$62,000 in the settlement of each and every claim against the City, its agents and employees, in Superior Court Case No. 730651, Ramon Jodar, et al. v. City of San Diego, et al., resulting from the personal injury claims of Ramon Jodar, et al.;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$62,000, made payable to Ramon and Joanne Jodar; Jennifer Jodar, as guardian ad litem for Cora and Nicholas Jodar and Christian Flores, minors; and their attorneys Jeffrey & Dreher, LLP, client trust account in full settlement of all claims, as a result of an incident which occurred on May 14, 1998.

Aud. Cert. 2100458.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-352: Current and Anticipated Litigation - Retention of Consultants.

(R-2001-781)

Adopted as Resolution R-294084.

A Resolution approved by the City Council in Closed Session on Tuesday, August 15, 2000, by the following vote: Mathis-yea; Wear-not present; Kehoe-yea; Stevens-yea; District 5-vacant; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the expenditure of an amount not to exceed \$700,000 from Fund No. 41509, Operations and Maintenance Fiscal Year 2001 Budget to provide funds to retain consultants for the evaluation of construction claims and litigation support for the Metropolitan Wastewater Department, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City treasury.

Aud. Cert. 2100527.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-353: Settlement of the Personal Injury Claim of Vic A. Allen.

(R-2001-667)

Adopted as Resolution R-294060.

A Resolution approved by the City Council in Closed Session on Tuesday, October 24, 2000, by the following vote: Mathis-yea; Wear-not present; Kehoe-not present; Stevens-not present; Blair-yea; Stallings-yea; McCarty-yea; Vargas-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$42,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Vic A. Allen (United States District Court Case No. 00cv00419-BTM (LSP), Vic A. Allen v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$42,500 made payable to Vic A. Allen and his attorney of record, Michael R. Marrinan, Esq., in full settlement of all claims.

Aud. Cert. 2100470.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-354: Settlement of Property Damage Claim of H&H Marine Center, Inc.

(R-2001-607)

Adopted as Resolution R-294061.

A Resolution approved by the City Council in Closed Session on Tuesday, October 24, 2000, by the following vote: Mathis-yea; Wear-not present; Kehoe-yea; Stevens-yea; Blair-yea; Stallings-yea; McCarty-yea; Vargas-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$67,024.20 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to H&H Marine Center, Inc.;

Authorizing the City Auditor and Comptroller to issue two checks, one made payable to Luth and Turley, Inc. in the amount of \$35,262.53, and one made payable to H&H Marine Center, Inc. in the amount of \$31,761.67, as the complete and final settlement of the incident which occurred on January 31, 2000.

Aud. Cert. 2100396.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S400: Air Resources Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-859) ADOPTED AS RESOLUTION R-294157

Commending Air Resources Interagency Fire Aviation, Bell Helicopter Textron and Simplex Manufacturing for their generous donation;

Proclaiming Tuesday, November 14, 2000 to be "Air Resources Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-B083.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

*ITEM-S401: Spruce Street Pedestrian Bridge.

(See Memorandum from Councilmember Kehoe dated 9/19/2000. District-3.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2001-86) INTRODUCED; TO BE ADOPTED ON MONDAY,
DECEMBER 4, 2000

Introduction of an Ordinance amending Chapter VI, Article 3, Division 1, of the San Diego Municipal Code by Amending Section 63.0120 relating to Curfews in Downtown Parks, making unlawful for any person to be on the Spruce Street Pedestrian Bridge from 10:00 p.m. until 6:00 a.m.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 10/4/2000, PS&NS voted 5 to 0 to authorize the City Manager to accept Councilmember Kehoe's recommendation to implement a curfew between the hours of 10:00 p.m. and 6:00 a.m. (Councilmembers Mathis, Wear, Stevens, Blair and Stallings voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by McCarty.
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

*ITEM-S402: Robert Grinchuk Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-799) ADOPTED AS RESOLUTION R-294158

Recognizing the outstanding contributions of Robert Grinchuk to improve the quality of life for the citizens of San Diego through his community service efforts and commitment to the rental industry in San Diego;

Proclaiming November 30, 2000 to be "Robert Grinchuk Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B485-C058.)

MOTION BY WEAR TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-S403: HEARING HELD, REFERRED TO CLOSED SESSION ON WEDNESDAY, NOVEMBER 15, 2000 AT 10:00 A.M.

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: 15.61 Acres of APN Number 534-450-08 in Balboa Park

Agency Negotiator: City Manager and Will Griffith, Director of Real Estate Assets

Negotiating Parties: Boy Scouts of America, Desert Pacific Council.

Under Negotiation: Terms of lease.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on November 14, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

Motion by Stallings to continue to November 21, 2000 for Council Member Kehoe to be present. Request that testimony be taken today, leave the hearing open until November 20, 2000, and then refer to Closed Session on November 21, 2000. Second by Blair. Failed. Yeas-1,5,6. Nays-2,4,7. Not present-3,8,M.

Deputy Mayor Mathis announced the hearing is closed.

MOTION BY COMMON CONSENT TO REFER TO CLOSED SESSION ON WEDNESDAY, NOVEMBER 15, 2000 AT 10:00 A.M. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B207-312; H531-I567.)

ITEM-S404: HEARING HELD, REFERRED TO CLOSED SESSION ON WEDNESDAY, NOVEMBER 15, 2000 AT 10 A.M.

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: 11 acres of APN 534-450-08 in Balboa Park

Agency Negotiator: City Manager and Will Griffith, Director Real Estate Assets

Negotiating Parties: Girl Scouts, San Diego and Imperial Council, Inc.

Under Negotiation: Terms of Lease

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on November 14, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

MOTION BY COMMON CONSENT TO REFER TO CLOSED SESSION ON WEDNESDAY, NOVEMBER 15, 2000 AT 10:00 A.M. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I568-J114.)

Deputy Mayor Mathis announced the hearing is closed.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mathis at 7:03 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: K094).